

Wartime Rape and Sexual Violence

*A qualitative analysis of perpetrators of sexual violence during
the war in Bosnia and Herzegovina*

Anette Bringedal Houge



Master of Philosophy in Peace and Conflict studies
Department of Political Science

UNIVERSITY OF OSLO

June 2008

‘I am guilty, and I deeply regret it (....) Our wrongs were so terrible – I include others here – that we even clung to them, and tried to justify them. I tried to be proud of my actions and to think they were the actions of a successful soldier. Today I am ashamed of all that, ashamed of my conduct and ashamed of how I behaved’

Guilty Plea Statement of Miroslav Bralo
(convicted by the ICTY for repeated rapes of Witness A)

History does not repeat itself
– people repeat history

For all who suffer from our failure
to end wars and injustices.
In hope of a better future.

ACKNOWLEDGEMENTS

Upon the completion of this thesis, there are a number of people I wish to extend my gratitude to:

First of all, Inger Skjelsbæk, my supervisor: I have benefited immensely from your understanding, experience, dedication and wisdom throughout this process, which started only with a vague idea. Thank you for your inspiration and presence! Your constructive and thought-provoking comments and advice have been essential in writing this thesis. Thank you!

Thank you to the Norwegian Centre for Human Rights and UNIFOR for kind and vital financial support.

Sissel Frøberg and Morten Bergsmo, thank you for inspiring conversations at the outset of this project; thank you Kjetil Nybø, Ljiljana Saric and Zvonimir Vojtulek for excellent written translations; Anja Enger for your pertinent MA-thesis; Finn Tollefsen for much appreciated efforts; Christian Rohde at the Registrars Office of the ICTY for all your help on my numerous inquiries; and thank you also to the interpreter I used during an interview on a very difficult subject, whom I cannot mention by name out of respect to the informant's anonymity. My gratitude also extends to the correctional service authorities and prison officers who have permitted interviews and who have served as intermediaries between potential informants and myself. My informant, thank you for your time – I hope I have given a fair presentation of you. Special thanks also to Tommy and Elisabeth. Arne, thank you for proofreading! Siri, Anders – thank you for your enduring interest, constructive comments and for walking the dog. Thank you family – in particular, Idar, Sølvi, Tonje, Lowan, Merete, Kjetil, Turid and Ståle for food-serving, baby-sitting and for your interest and support, without which I could not have completed in time.

Finally, I would like to thank the two individuals most important to me – my closest friends and family: Andreas and Mir. Andreas, thank you for taking this project seriously, for your genuine interest and encouragement. Mir, thank you for all the distractions, for all the joy and happiness! You are a constant reminder of the beauty in the present and the prospects of the future. Thank you for stirring my world!

Anette Bringedal Houge

Oslo, June 2008.

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CHAPTER ONE

INTRODUCTION

Few have wanted to look into the mechanisms which create perpetrators, perhaps out of fear that the possibility of committing the same crime is a potential we all have (Skjelsbæk 2001:212).

Most research on sexual war violence, and in particular war rapes, focus exclusively on the experiences of the female victims. This research is extremely important to make visible both war rape as a war strategy and the victims who have suffered in silence and shame throughout history. However, the rationalization processes and motivations of the individual perpetrators of sexual violence are largely omitted from inquiry. Without acknowledging and examining the motivations and rationalizations of those who actually raped or sexually violated in wars or conflicts – however wrong we consider them to be – the task of developing appropriate and effective preventive measures for the future remains an impossible undertaking.

This thesis aims at generating knowledge on sexually violent perpetrators in times of war and conflict. What is it that motivates or pressures an individual man (or woman) into sexually violent actions¹? How does he rationalize his own behavior, how does he legitimize his own behavior? I aim to expand and deepen our understanding of perpetrators through a thorough analysis of court transcripts from the International Criminal Tribunal for the former Yugoslavia (ICTY)² for cases in which individuals have been convicted of sexual war violence, combined with a careful examination of the available literature on sexual war violence where references are made to the perpetrators. The ICTY transcripts, which include testimonies of victims, witnesses, experts and accused, as well as the analyses of the counsels and conclusions of the judges, comprise a readily available but unexplored empirical resource in the search for an increased understanding of perpetrators of sexual war violence.

¹ In the following I will refer to perpetrators as men. Note that women can also be perpetrators, and that the analysis and discussion that follows can also pertain to female perpetrators. However, the empirical material used for this thesis, concerns male perpetrators only.

² The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established by Security Council resolution 827 of 25 May 1993 (<http://www.un.org/icty> [Last accessed 22.06.2008]).

This study is conducted within a social constructivist epistemological framework, and is of an interdisciplinary nature, influenced by theories in both social psychology and sociology.

1.1 Research Question

At the outset of this project, the research question was formulated as follows – ‘How do soldiers who have committed sexual violence in times of conflict understand their actions? (And how can we understand them?)’. At the time, I planned to interview several individuals convicted for sexual war violence by the ICTY. I quickly negotiated access to one informant. However, as the process of negotiating access to more informants dragged on, and given the time limits posed for this thesis, it became clear that I had to search for information and data elsewhere. There are few studies that focus on the perpetrators of sexual war violence and the empirical foundations of these studies are limited³. While undertaking preparatory work for the interview I was planning, I realized that the ICTY transcripts offer interesting empirical material, which are available online and ready to be analyzed with the purpose of an increased understanding of sexual war violence (see ICTY 2008a). Thus, I decided to analyze these transcripts in addition to the reproductions of a few interviews with individuals who committed sexual war violence in Bosnia and Herzegovina (BiH) during the war, found in the existing literature on sexual war violence. Having identified the available data material, the overarching question that will guide this research is:

Why did soldier perpetrators of sexual violence during the war in Bosnia and Herzegovina opt for this particular form of violence? Which arguments emerge from the empirical material at hand?

To be able to provide answers, I searched for various aspects that might be significant, and during the examination of the material I broke down the main research question into more precise sub-questions such as: ‘What were the motivations for their actions?’, ‘How did they rationalize their actions?’, ‘Did they legitimize or justify their actions?’. To help identify these aspects other tentative questions were ‘Was there an

³ The four studies I have identified (Enger 2007; Henry et al. 2004; Price 2001; Seifert 1994) use secondary and third-hand sources and the sources amount basically to victims’ recounts – not perpetrators themselves.

order to rape?’, ‘Did the perpetrator experience pressure from their fellow soldiers or from their superiors?’, ‘If so, what kind of pressure?’, ‘How were the victims perceived and presented?’ and so on and so forth. Finally, I will confer with the existing literature on sexual war violence: Does my analysis of the empirical material substantiate, challenge or add to the explanations offered in the literature as to why soldiers become perpetrators of sexual violence in times of war?

1.2 Relevance, Importance and Motivation

Although less prevalent today than a few years ago, it appears to be a rather common assumption that perpetrators of sexual violence in wartimes are evil, mentally ill, and pathologically disposed to such actions (Connell 2000:22; O’Toole & Schiffman 1997:176-7; Price 2001). The effect of perceiving perpetrators as crazy and demonic is a comfortable alienation, an excuse not to consider the possibility that, given other and specific conditions, *it could have been me*. Price argues that once dismissed as abnormal and deviant ‘the observer need not struggle to understand either the act or the actor, as by definition they are incomprehensible. Alienation represents the perpetrator as a monster, inhuman, *unlike me*’ (Price 2001, emphasis added; see also Bourke 2007:359, 386)⁴. However, when rape is so common in wars, and as the case was e.g. in Bosnia and Herzegovina, Liberia, the Democratic Republic of the Congo (DRC), Rwanda, and Sierra Leone – institutionalized or normalized – the numbers of perpetrators and their backgrounds as common, average men, is evidence against the pathological explanation – the abnormal, psychopath theory of war rapists. This is why we need to engage in efforts to understand. We need to understand what *social processes* – as opposed to natural or given characteristics – that can explain how individuals turn into perpetrators. Acknowledging that war rapists and war perpetrators of sexual violence are average, normal individuals before the onset of war is uncomfortable, as it precisely implies that ‘it could have been me’. But it is also appropriate, and necessary for proper development of measures against such violence, in present wars and conflicts and future ones. A relevant concept in this context is Max Weber’s *verstehen* – interpretive understanding – which has as a

⁴ Or, as criminologist Christie (2008:465) puts it, ‘the monster is his own vindication’ (my translation).

premise that any given action has a purpose envisaged by the actor. That is, actions are 'rational' from the actors' perspective. The interpreter's task is to understand the action by comprehending the actor's subjectively intended meaning even – perhaps especially – when such action appears to diverge from logical or ethical rationality (Price 2001).

To understand the perpetrators, is *not* the equivalent of legitimizing their actions. It is worth quoting Hanna Arendt (1979:xiv) at length here:

Comprehension (...) does not mean denying the outrageous, deducing the unprecedented from precedents, or explaining phenomena by such analogies and generality that the impact of reality and the shock of experience are no longer felt. It means, rather, examining and bearing consciously the burden that events have placed upon us – neither denying their existence nor submitting meekly to their weight as though everything that in fact happened could not have happened otherwise. Comprehension, in short, means the unpremeditated, attentive facing up to, and resisting of, reality – whatever it may be or might have been⁵.

Accordingly, it is not my intention to legitimize the perpetrators' actions – I find *no* truth in the French proverb '*tout comprendre, c'est tout pardonner*'⁶. What I do believe, is that understanding is key to change: to counter the practice of sexualized war tactics, we must understand not only why it is an effective war tactic, but also how it is possible to implement it and make hundreds – thousands – of soldiers commit to it on the ground.

Scope and Limitations

The proposed, simple research questions do not have unequivocal and correspondingly straightforward answers. The arguments that this thesis will suggest as explanations for soldiers' participation in sexual war violence do not comprise a blueprint according to which all perpetrators of sexual war violence can be understood. I do not aspire to decisively state in the end, what where the indisputable motives for perpetrators of sexual war violence for their actions in the BiH war. What this thesis will do is to identify *what can be understood as* motivations for sexual war violence from the perspective of perpetrators, based on the available empirical material at hand. Following Weber's concept of interpretive understanding, I will strive to identify the actual motivations, but I acknowledge from the outset the difficulty in doing so (see Prior 2003:49).

⁵ Both Weber's concept of interpretive understanding and Arendt's defense of comprehension were introduced to me in Price (2001).

⁶ [To understand all, is to forgive all]

The focus on perpetrators from the war in BiH is not intended to suggest a hierarchy of wars and 'their' sexual war violence crimes, or a hierarchy of any quantifiable dimensions of victims or suffering, as if Bosnia and Herzegovina was the worst case in recent times or throughout history. Indeed, sexualized violence in terms of individual human suffering is not measurable or comparable. Furthermore, although all perpetrators in this study were active in the war in some type of armed forces during the war, not all soldiers in these armed forces were perpetrators of sexual violence. Similarly, I analyze an empirical material in an effort to understand the relevant perpetrators. I do not profess to explain, on a generalizable level, 'perpetrators of sexual war violence' as such. Finally, the analysis comprises empirical data material pertaining to both individuals who have pleaded guilty to sexual war crimes and individuals who claim their innocence. It also includes the examination of witnesses' and victims' statements, in particular in the cases where the accused perpetrator did not testify himself. I will not discuss or evaluate the level of truth in the various statements and reproductions of sexual war violence that I will investigate, but simply analyze what the descriptions of sexual perpetrations and perpetrators can offer of explanations as to why some soldiers become perpetrators of sexual violence in wartime.

1.3 Thesis Outline

This thesis is organized in two main parts. In the first part, I provide a background-section on rape in war, the war in Bosnia and Herzegovina and a commentary on the void in the sexual war violence literature pertaining to motivations for individual perpetrators. Next, I will give an account of the social constructivist epistemological approach to sexual war violence undertaken in this study. I will also define and clarify key concepts, whereupon I present my choice of methods. In the second part I will analyze the empirical material. Subsequently, I will discuss the empirical findings in light of relevant literature: Does my analysis present assessments with theoretical foundations? In the next and final chapter I address the research question and explain what the preceding analysis can offer in terms of an understanding of what makes soldiers rape and sexually violate in wars. I also include a section in which I evaluate

my analysis and arguments. Finally, I will propose areas in which I consider future research to be important.

CHAPTER TWO

BACKGROUND, EPISTEMOLOGY AND KEY CONCEPTS

In this chapter I will present a brief account of relevant background information pertaining to wartime sexual violence, and in particular the occurrence of war rapes and sexual violence during the war in Bosnia and Herzegovina. In the subsequent part I offer possible explanations of the absence of a focus on the individual perpetrators' experiences in the research base on sexual war violence. Next, I will present and argue for the epistemological approach of this thesis, and identify and clarify key concepts used in the ensuing analysis.

2.1 Wartime Rape and Sexual Violence

The apparent uniqueness of the rape of women in Bosnia-Herzegovina, directed overwhelmingly against Bosnian-Muslim women, is a product of the invisibility of the rape of women through history as well as in the present (Copelon 1994:197-8).

Sexual war violence is as old a phenomenon as war itself, but it was not until the early 1990s following the wars in Rwanda and, in particular, Bosnia and Herzegovina, that the scholarly research community seriously engaged in this topic. The mass media's continuous attention to the crimes and to the female victims illuminated and questioned a military tactic of extending the battlefield onto female bodies. The media forced our attention to the phenomenon through reports about survivors who had been raped, who had witnessed the rapes of their own daughters, mothers, friends, and who had been forced through pregnancies, carrying the baby of their rapist. The reports stated that the perpetrators had been their neighbors, their former friends, colleagues, and family members. Because of the massive documentation, the world community was forced to acknowledge war rapes as a reality of war, and the following research provides an expanding knowledge base that presents necessary and important insights into the phenomenon of sexual war violence (see, *inter alia*, Allen 1994; Amnesty International 2004; Bourke 2007; Giles & Hyndman 2004; Goldstein 2001; Moser & Clark 2005; Skjelsbæk 2007; Stiglmayer 1994a).

At the outset of this thesis, it is important to acknowledge the widespread use of rape and sexual war violence across time and place. This is to avoid the simplistic assumption that the war rapes in Bosnia and Herzegovina constituted a new and

unique phenomenon, today an isolated event of the past and a phenomenon that could only happen at that specific time given the very specific context of that war and the 'nature' of the Balkan people. I choose to focus on perpetrators of sexual violence in the BiH conflict out of consideration to available documentation, and due to my previous engagement in studies of victims of sexual violence in this war. However, sexual war violence is not in any way a phenomenon restricted to this particular conflict. While war rapes in BiH received wide media coverage, the rapes committed by German soldiers in Belgium during the first world war, by Japanese soldiers in China, by Soviet soldiers in Germany in 1945, and more recently and at present, war rapes in Bangladesh, Burma, Cambodia, Cyprus, the DRC, Haiti, in Kurdish parts of Turkey, Liberia, Rwanda, Sierra Leone, Somalia, Sudan, and Uganda, have been going on largely unreported, in comparison (Aydin *et al.* 2005 [seminar]; Bourke 2007:360; Brownmiller 1975; Marsh & Ward 2006; Seifert 1994). In every war, there are differences in the ways in which rape is used, but the documentation also shows that war rapes and sexual war violence are not something belonging to the past. *Therefore it is imperative to identify what it is that makes soldiers rape in war.* Although the answer is probably very context specific and dependent on the individual soldier, it does not reject the possibility of some common aspects that pertains to several perpetrators of sexual violence, both in the same conflict and across time and place. Similarly Copelon (1994:213) contends that '[e]very rape is multidimensional, but not incomparable'.

The War in Bosnia and Herzegovina

The war in Bosnia and Herzegovina provides the backdrop for this thesis. The limits of this study prevent me from doing justice to history – I cannot provide a detailed account of the war, its causes and consequences. For comprehensive accounts of the history and the more recent events that preceded and led to the wars that ravaged the territories of the former Yugoslavia, see, *inter alia*, Mønnesland (2006), Ramet (2002), Silber & Little (1997), and Woodward (1995). The war rapes examined in this study, for the most part committed by individuals convicted by the ICTY, took place in the context of the brutal war in BiH in the time period between March 1992 and 14

December 1995 when the war officially ended. There were mainly three warring fractions, divided along ethnic lines: the Serbian and Bosnian Serb armies⁷; the Bosnian forces; and the Croatian side.

Prior to the war in Bosnia and Herzegovina, intermarriage and social relations across religions and ethnicities were common, but when hostilities began, they released what Allen (1996:7) calls a 'weapon-enforced identity slippage' in which identity constructs pertaining to religion, ethnicity and gender had serious implications for whom were targeted and how. During the war, thousands of women, some estimates as many as 60.000, were raped (Skjelsbæk 2001:54). The war rapes were often group rapes with several perpetrators, victims and witnesses (Bassiouni 1994; Hague 1997:56). The media attention toward the war rapes was unprecedented, and the UN Commission of Experts Final Report (CEFR)⁸ on the atrocities committed in BiH during the war suggests that it possibly caused a real time decline in the number of incidents of sexual violence (Bassiouni 1994). The CEFR provides the most comprehensive investigation of sexual war violence during the BiH war⁹. The UN Commission of Experts who conducted the investigations for the report found evidence of 162 camps and detainee centers throughout Bosnia and Herzegovina in which detainees had been continuously raped and sexually assaulted by 'guards, police, special forces, and others allowed to come from the outside to perform such acts' (ibid.). The CEFR states that Serb military forces held 55% of these camps, and further that these were the camps in which the worst assaults were committed against the largest number of detainees. However, and this is largely absent in the public memory of this war, the Croatian forces held approximately 10% of the camps in which detainees were sexually tortured, and the Bosnian side ran about 5% of these 162 camps. Croats and Muslims ran 14, or about 9%, of the camps where sexual violence had taken place together, and 35 of the camps disclosed by the UN Commission of Experts had been run by

⁷ The Serb forces consisted of several military units – the Yugoslav People's Army (JNA), the Army of Republika Srpska, and the Serb Territorial Defense Forces, as well as paramilitary groups.

⁸ CEFR was established pursuant to Security Council Resolution 780 (1992), and its work ended the 27th of May 1994. The mandate was to provide 'conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia' (Bassiouni 1994). M. Cherif Bassiouni was the head director of the Commission.

⁹ Especially Section IVF and Annex IV.

unknown forces (ibid). It is worth noting that sexual violence was also to a wide extent directed against men in the BiH war, although these incidents are virtually absent in academic writings and went on unreported by the media (Bassiouni 1994; Houge 2007, 2008; Zarkov 2001, 2007:155). In the remainder of this thesis, therefore, ‘sexual violence’ or ‘sexual assault’ will be the preferred terms to denote the phenomenon in focus, and I will use the terms interchangeably. Whenever I use the term ‘rape’ it conveys the meaning of a vaginal or anal penetration by a penis or other object. ‘Sexual violence/assault’ includes rape, but is not restricted to it. Other sexual perpetrations such as forced fellatio, forced nudity, genital mutilations, etc. are also included, thus vaginal or anal penetration are not preconditions for a perpetration to be considered as constituting sexual violence (see de Brouwer 2005:149)¹⁰.

2.2 The Lack of Perpetrator Focus

Most research on sexual war violence, and in particular war rapes, focus exclusively on the experiences of the female victims. Some discuss the effectiveness of war rapes as a weapon – how war rapes destroy local communities; communicate failure to the men on the enemy side as they fail to protect ‘their’ women; enforce a sense of brotherhood among the perpetrating soldiers, and hence make them better soldiers etc (see, *inter alia*, Seifert 1994). However, the experiences of the individual perpetrators on the ground are to a great extent overlooked both theoretically and empirically in the analyses. There appears to be at least four explanations for this void in the existing research. First, researchers may simply have taken for granted assumptions and explanations in the literature about who the perpetrators are and why they acted as they did. Also, some might have – mistakenly – considered equal the reasons why sexualized war violence is employed, implemented, and ordered (that is, what makes it an effective weapon in war) and the reasons why individuals commit to such tactics on the ground. Explaining by reference to the effect of the tactic is not the equivalent of explaining why and how individuals were able to do it (see e.g., Stiglmayer 1994b:85). Second, negotiating access to potential informants with personal experience as perpetrators is both time-consuming and difficult (see chapter 3.4 below). Third,

¹⁰ This paragraph is based on a paragraph in Houge (2008).

engaging in studies of perpetrators, and in particular interviews with perpetrators, involve some obvious and serious personal challenges that may have kept researchers from engaging in the examination of perpetrators altogether. Interviews with perpetrators of sexual violence inevitably involve questioning about very sensitive material. Facing men and women who have raped or sexually violated others is hard (see Brantsæter 2001:126). There is no room for outright judgment, as that would jeopardize the informants' openness. Simultaneously, there is a fine line between communicating understanding and communicating legitimization, and this requires careful attention. Fourth, and finally, many feminist researchers may have focused solely on the victims, and (consciously or unconsciously) rejected to give time to the perpetrators, as the perpetrators have already taken so much. It is a central goal of feminist research to give voice to those who have been silenced; to challenge history as a history of those who possess state-, physical-, economic- and material power; and to advocate change and empowerment. Maybe a focus on the perpetrators is considered to contradict these goals. I argue, however, that in this case, a reactive and exclusive focus on the victims will not bring forth changes – to bring about change we need to know how perpetrators are created, and to do that we have to focus on perpetrators themselves and their experiences.

2.3 Social Constructivism

As stated above, I reject the abnormal, psychopath theory of sexual war violence perpetrators. Instead, I emphasize the necessity of an extended focus on perpetrators and an understanding of them and their actions as constructed through social processes. I believe social constructivism is the theoretical framework best suited to understand these processes of socialization.

Social constructivism is an epistemological approach in stark contrast to positivist epistemologies that previously dominated the social sciences. It has as its premise a critical stance toward 'taken-for-granted knowledge', rejects determinism, highlights historical and cultural specificity, and argues that knowledge is sustained by social processes (Burr 2003:2-5). In social constructivism the focus is on discourses and the interaction processes between individuals, and how these continuously construct,

sustain and change knowledge, opinions, norms, rules, social identities and our conception of the social reality (see Jørgensen & Phillips 1999:14; Sohlberg & Sohlberg 2002:218). ‘Discourse’ is understood as ‘a system for the production of a set of statements and practices that within a given institution appear more or less normal, and constitutes reality for the participants in that institution, and has a certain degree of regularity in a given set of social relations’ (Neumann 2002:18, my translation). Put simply, a discourse is the social text of a particular setting – it is the intersubjective meaning attributed to the words, concepts and symbols we use in that context-specific communication.

Because of the focus on intersubjective construction of meaning and discourses, social constructivism brings the typical sociological focus from the large, apparently objective and independent structures in which we live, e.g. patriarchy or liberal market economies, down to an interactive level in which we communicate, sustain and recreate these structures ourselves. Patriarchal structures do not exist independently of individuals, but are sustained and reproduced in social processes. Similarly, social constructivism brings the typical traditional psychology focus on personalities, personality traits and predispositions ‘inside’ the mind of individuals, out of the individual and into the interactive level in which ‘personalities’ and ways of acting and communicating are continuously negotiated and communicated (see Burr 2003:4-10). It is in interaction with others that ‘personality’ is constructed - a person cannot be ‘shy’ or ‘caring’ if she lives in isolation on a deserted island.

In its entirety, social constructivism is anti-essentialist, and cannot therefore resort to simplistic pathological explanations of phenomena such as war rapes, because ‘[t]here are no essences inside things or people that make them what they are’ (ibid:5; see also Jørgensen & Phillips 1999:112). Accordingly, a perpetrator of sexual violence is not born a rapist or perpetrator, he *becomes* one, and the social constructivist wants to know what social processes made him a rapist or perpetrator. The understanding of all social reality as socially constructed, carries a potential for deconstruction, and thereby change – including a potential to alter the social processes that construct perpetrators of sexual war violence. In contrast, pathological explanations communicate ‘a deterministic view which gives no hope for change’ (Skjelsbæk 2007:218).

The present study is of an exploratory-descriptive kind, in that it investigates a little-understood phenomenon. Through discourse analysis, and within a social constructivist framework, this study will identify important categories of meaning – that is, central beliefs, attitudes and social processes – that occur in and around the phenomenon, and contribute to its construction (see Marshall & Rossman 1999:33).

2.4 Key Concepts and Definitions

The idea of socially constructed realities lies at the core of this thesis, and of particular relevance is the concept of identity. To assure conceptual clarity in the following analysis, it is necessary to spend some time to clarify and define key concepts, as they are understood from the social constructivist approach just advocated.

Simply stated, a person's identities tell something about who that person is according to a socially constructed, time- and place specific framework in which human beings organize and categorize their environment, including other people. Identities pertain both to how people understand themselves as individual members of particular groups to which certain identity constructs apply, and to other people's comprehension and categorization of them according to identity categories such as gender, class, ethnicity, and sexuality. Following the social constructivist framework adapted here, these identities are not biological 'givens', but discursively created and reconstructed continuously through interaction, and the weight assigned to the different identities varies according to specific contexts (see Connell 2005:35; Hardy & Phillips 2002:14).

Accordingly, I was born a girl, and remain a woman in an absolute biological sense – the *meaning* of being a girl or a woman, on the other hand, is not biologically determined. I was raised (that is – constructed as –) a woman in a very specific culture, in a particular time and place. Furthermore, throughout my life, in different settings and locations, what it has meant to be a girl or a woman, has varied. If I had been born a girl in another society, at another time or place, my understanding of myself as a woman and what that identity entailed would differ, as would society's comprehension of me. In other words, '[t]he strictly biological differences between the sexes form only the substrate for a society's construction of people with gender' (Kaufman 1997:31). Gender is seen as composed of multiple masculinities and femininities – i.e.,

perceptions of what male and female gender identities entail, respectively – some with stronger and some with weaker social status, and every culture and subculture have ‘their’ own gender normative prescriptions of masculinities and femininities (Burr 2003:3). Some masculinities are, dependent on the social context in which they are operated, considered more ‘correct’ than others. Dominant masculinities are in general constructed as brave, and as bearers of power – physical power to protect and attack, heterosexual power and intellectual power – while femininities are subjugated to such masculine powers¹¹. The extent to which this happens is of course dependent on circumstantial and contextual factors (Breines *et al.* 2000:9; Woodward 2003:51-3). Although heterosexuality most commonly is a constitute part of the masculine norm, societies and subcultures differ in their acceptance and approach to homosexuality.

The perpetrators whose motivations the present study will try to understand were all located in various military forces and groups. Masculinity is an important component of armed forces, in the construction of military camaraderie, and has a special meaning for the protection of the nation (see, *inter alia*, Enloe 1993:52). In the preface to war and during wars, societies and militaries typically induce men to fight by the use of normative prescriptions of male gender identity (Goldstein 2001:252). According to these prescriptions, men are expected to defend the nation with weapons and physical warfare. ‘[T]o be manly means to be a potential warrior’, and any man who claims that it is not in his nature to soldier is taking the risk of being thought of as less of a man (Enloe 1993:52). Generally, military cultures ‘tend to foster attitudes that are demeaning to women, through training, violent and sexist language, images, jokes, drill chants, songs, etc.’ (Breines *et al.* 2000:14). By similar practice, militaries construct a form of masculinity that is also ‘deeply oppressive (...) of many men’ (Cockburn & Zarkov 2002:13). Although ideal military masculinities vary across countries, armies, regiments, time and place, homosexuality is never a constitute part of dominant military masculinity constructs.

¹¹ However, images of dominant or hegemonic conceptions of identities do not necessarily correspond to the majority of individuals who ‘belongs’ to this identity (Connell 2000:24).

To shortly recapitulate, the military masculine ideal construct emphasizes the ability to protect and attack, has misogynist tendencies and is heterosexual, if not heterosexist.

As the socially constructed meanings of having a specific sex are not biologically determined, neither is the social meaning of belonging to a certain ethnic group. The initial understanding of gender presented above also represents the lenses through which other identities related to ethnicity, sexuality and militarism are understood in this work. In a book on language and discourse in the Yugoslav successor states, Bugarski (2004:21) offers a pertinent understanding of ethnicity that is worth quoting at length. He understands ethnicity

not as a set of objectively given, primordial and immutable features constituting the essence of an ethnic group, but rather as a complex of socially constructed, contextually and interactionally determined and changeable elements delimiting a human collectivity from others. Some of these are objective (e.g. language, religion, customs, possibly territory) while others are subjective (e.g. belief in common descent, shared memories, symbols and values). Taken individually, [the elements of ethnicity] may vary in importance or even be absent [in any individual member of an ethnic group]; what matters is their interplay, which establishes and preserves a strong feeling of solidarity within the group and marks its distinction from other comparable groups. Ethnicity is thus a process of interchange and adaptation, a construct emerging from variable social relationships, something created and recreated rather than inherent.

In wartime and in the run-up to war, the concept of ethnicity and the reinforcement and polarization of in-group/out-group categorization along ethnic lines can become a valuable tool in the hands of leaders. By drawing on chauvinist nationalist myths, capitalizing on fear by reference to ethnic boundaries, and creating xenophobia, political and military leaders can ‘mobilize and organize followers in the pursuit of other interests, such as physical security, economic gain, or political power’ (Wolff 2006:33)¹². Indeed, Zarkov (2007:2) contends that an ethnic war is not a war *between* ethnic groups, but a war that *produces* ethnic groups. Although ethnic (and other) identities are socially constructed, that does not mean they are not important, effective or experienced as real. The production and use of hostile ethnic identities and relations during wartime can have very real consequences for the people involved (Tillner 2000:53, Jørgensen & Phillips 1999:163).

¹² This approach to ethnicity is often labeled the instrumentalist school (see Wolff 2006:33). The other main approach to ethnicity is the primordial school, which sees ethnicity as an objective and constant characteristic of a human being.

In sum, identities are seen as something we do, something we ascribe to ourselves and onto others, and not as something we are (Skjelsbæk 2007:224). These identities are constructed at all levels in society – in the face-to-face interaction between individuals, within and between groups, and at macro levels in which the media plays a central role (Kurspahic 2003; Zarkov 2007). In other words, identities are not physical constants, but social constructs communicated and created in human interaction, through language.

The concept of identity is central to this thesis because ‘perpetrator of sexual war violence’ is also an identity. The purpose of this thesis is to understand why some soldiers during the war in BiH took on that identity, that is, why they *became* perpetrators of sexual war violence. As one commentator stated above that an ethnic war is a war that *produces* ethnic groups, wars can also *produce* perpetrators of sexual violence. It follows from the presented understanding of identity that the abnormal, psychopath identity ascribed to war rapists to explain their participation in sexual war violence, is not explanatory at all and not satisfying. Accordingly, the present study can be understood as an attempt to find better explanations for individual perpetrators’ participation in sexual war violence by the identification of alternative and more credible perpetrator identities. In the next chapter I will describe what methods I used for that purpose.

CHAPTER THREE

CHOICE OF METHODS

3.1 Research Design

My choice of discourse analysis as the means through which I will produce knowledge about perpetrators of sexual war violence is inextricably linked to the epistemological philosophy (see Hardy & Phillips 2002:59). In discourse analysis, as in social constructivism, language is not simply seen as a reflection of the social world, but as the central locus in which and through which the social world, its meanings and practices are constructed. ‘Discourse and practice are inextricably bound up with one another’ (Edley 2001:192), and the purpose of discourse analysis is to identify the meanings of language and texts in defined social contexts, and in relation to specific actions or social practices (ibid:190; Hardy & Phillips 2002:74)¹³. In other words, the purpose is not to analyze the text *per se*, but to identify the meaning of talk, or text, in relation to its effect on – or construction of – a specific social practice (see Neumann 2002:178). To paraphrase Potter and Wetherell (1992:102), the intention of the present study, is to reveal discursive practices through which perpetrators of sexual war violence are constructed and sexual exploitation legitimated.

But, as Hardy and Phillips (2002:74) contend, ‘discourses are not neatly packaged in a particular text or even in a particular cluster of texts. Researchers can only trace clues to them regardless of how much data they collect’. In the analysis of the data material, I will seek to identify discourses of identity (or identities) by looking at the ways in which sexual violence is described and talked about, and I will identify and discover categories of meaning – beliefs, attitudes and social processes that occur in and around the phenomenon of sexual war violence perpetrations – in the (convicted) perpetrators’ statements and in the surrounding material. That way, I will be able to identify reasons for the perpetrators to engage in sexually violent actions during the war in Bosnia. I will accomplish this through the analysis of transcripts from court proceedings at the ICTY that ended in conviction on sexual violence charges, combined with an

¹³ ‘Texts’ can be transcripts from interviews or official records, talk, films and literature, and may refer to entire documents, or full-length movies, or specific utterances or notions within the broader communication form in which the text occur (Hardy & Phillips 2002:70).

examination of available literature on sexual violence where references are made to the perpetrators – including the reproduction of four journalistic interviews with other perpetrators of sexual violence in the BiH wars.

In the remainder of this chapter, I will present the character of the different data material at more detail, argue for and explain the respective methods undertaken, and discuss the challenges they entail. Finally, I will comment on the challenges I met when I tried to get access to potential informants. I also briefly discuss the experience of interviewing an ICTY-convict as it formed part of my background understanding when I engaged in the analysis of the ICTY transcripts.

3.2 Document Analysis of ICTY Transcripts

Transcripts from court proceedings in the ICTY where individuals have been prosecuted and convicted for, *inter alia*, sexual war violence comprise the main source of empirical data material for this analysis¹⁴. According to the ICTY, two of the core achievements of the tribunal are a shift from impunity to accountability, and the individual rendering of accountability – that is, guilt is *personalized* (ICTY 2004)¹⁵. Although the leaders and commanders have the main responsibility for the violations of international humanitarian law during the war, individual soldiers and perpetrators are also prosecuted and held accountable for their actions.

Since the establishment, the ICTY has indicted 161 persons for serious violations of international humanitarian law. As of late April 2008, 55 individuals have been convicted on such indictments, out of which 24 have been convicted, *inter alia*, on charges of involvement in sexual violence (see ICTY 2008b, 2008c; de Brouwer 2005:330-1). The ICTY does not provide statistics over the various charges individuals have been indicted or convicted for, thus it was necessary to carefully examine the judgments and indictments of all cases before the tribunal to decide which

¹⁴ The ICTY was established in May 1993 by UN Security Council resolution 827, and is an ad-hoc court. The ICTY has authority to prosecute offences that constitute i) grave breaches of the 1949 Geneva Conventions; ii) violations of the laws or customs of war; iii) genocide; and iv) crimes against humanity.

¹⁵ The other core achievements of the ICTY are: to establish facts; to bring justice and give a voice to the victims; to accomplish international law and thus deter further crimes; to strengthen order and the rule of law; and finally also to promote reconciliation between the parties (ICTY 2004).

transcripts of court proceedings were relevant for analysis (ICTY 2008b)¹⁶. This examination revealed that 13 out of the 24 individuals convicted on charges of sexual violence, have been convicted for their explicit and personal involvement in committing sexual violence or their direct presence while these acts were committed: Miroslav Bralo, Ranko Češić, Hazim Delić, Anto Furundžija, Radomir Kovač, Dragoljub Kunarac, Esad Landzo, Mlađo Radić, Milan Simić, Duško Tadić, Stevan Todorović, Zoran Vuković and Dragan Zelenović. It is the transcript from these 13 cases of direct involvement or presence that provided the ICTY data material for this thesis¹⁷.

The remaining 11 individuals¹⁸ were convicted for their responsibility as superiors who knew or had reason to know about sexual violence taking place, or as peer soldiers who knew or had reason to know that others were committing such acts, but who failed to take steps to prevent them from so doing. These 11 individuals and their cases are excluded from inquiry, as they do not fulfill the precondition of direct or personal involvement in the sexually violent perpetration – that is, they were not the ones who committed the perpetrations nor present when they were perpetrated. As emphasized earlier, it is the individuals who commit sexual war violence on the ground that are in focus, not the superiors' reasons for ordering it. Accordingly, in the analysis of the ICTY transcripts, the term 'perpetrator' refers to an individual convicted for being personally involved in the commission of rape or other sexual violations, or for being physically present while peers or subordinate soldiers committed such crimes. I have not analyzed transcripts of cases where the proceedings are not yet concluded, and judgment remains to be passed. I would find it ethically difficult to discuss their motivation for sexual war violence unless they themselves

¹⁶ Note that it does not suffice to read the 'Case information sheets' available for each accused under the heading 'ICTY cases and judgments' (ICTY 2008c) as they are often not precise enough in the representations of the crimes for which the accused has been indicted and convicted. It is often necessary to read the entire indictment and judgment to decide whether the charged crimes involve any sexual violence.

¹⁷ In addition, Radovan Stankovic and Gojko Jankovic were initially indicted by the ICTY for their personal involvement in sexual torture and rape, but their cases were transferred to the Court of Bosnia and Herzegovina (Ct BiH) according to the rules of the Tribunal. The Ct BiH sentenced them to 20 years and 34 years imprisonment respectively for these crimes (ICTY 2008c). Regrettably, the transcripts from these court proceedings are not available online or in English, and are therefore not part of this analysis.

¹⁸ Radoslav Brđjanin, Damir Dosen, Dragan Kolundžija, Milojka Kos, Miroslav Kvocka, Zdravko Mucic, Dragan Nikolic, Biljana Plavsic, Dragoljub Prcać, Dusko Sikirica and Milomir Stakic.

admitted their guilt, or before qualified specialists on international law and justice have found them guilty of such crimes. I omitted the transcripts from the Appeal Chamber from inquiry when the Trial Chamber judgment concerning the sexual violence in question was upheld in the Appeal Chamber judgment. The transcripts of all the cases before the ICTY, including those that are still on trial, are available at the ICTY web page, published on a continuous basis following the end of each trial day (ICTY 2008a)¹⁹. However, some of the witnesses that testify before the ICTY ask for protective measures, ranging from voice alteration to completely closed sessions when the witnesses appear. The transcripts from the closed sessions are, for obvious reasons, not published, and are therefore not analyzed here. Further, names of persons and places that appear in testimonies that might reveal who the protected witnesses in the relevant case are, are redacted from the published transcripts.

There are many advantages associated with the use of the ICTY transcripts as a source of data – the method is unobtrusive, the transcripts are undoctored (except from the protective measures mentioned above) and they are previously unaddressed. Despite the fact that the transcripts are publicly available, they are rarely referred to in analyses of sexual war violence in the BiH war. Presumably, the transcripts comprise an unexploited resource, whose potential explanatory power pertaining to sexual war violence remains to be assessed. The transcripts are undoctored, as they provide word-for-word representation of the court proceedings, including opening statements, witnesses' testimonies and closing arguments of all parties. Sometimes the accused submit a guilty plea statement, and in some cases the accused himself testifies. When direct access to perpetrators is limited (see chapter 3.4 below), the transcripts provide an opportunity to approach them indirectly. As opposed to an interview, the examination of case files constitutes unobtrusive measures, which do not expose the individual convicted for sexual violence (or the researcher) to potential stress associated with an interview situation.

¹⁹ Every trial day for each case result in one transcript, organized on the ICTY web page after case and date of trial. In total, I examined transcripts from 653 trial days – the sum of trial days for all the 11 cases.

However, the sources of data must be evaluated with respect to the context in which the data was initially produced (Thagaard 1998:57). The immediate context from which the transcripts derive provides a few challenges, according to which the findings must be qualified. A court proceeding poses a specific pressure on the accused, who risks future detention and freedom deprivation. It is likely that an honest reproduction of events – be it in the words of the defense counsel, witnesses for the defense or the accused himself – is not always in the interest of the accused. Also, the situational context in which the perpetrations were committed is very different from the court context in which these perpetrations are talked about and reproduced (see Hardy & Phillips 2002:19-20). That is, the ‘court room discourse’ is very different from the discourse in which the accused soldiers participated and which they themselves produced during the war. Even if the accused, his counsel, witnesses, and/or the prosecutor capture somehow what the accused did as a soldier during the war (and why), the description is made in retrospect and for a specific purpose (convincing the judges of guilt or innocence). The examinations and cross-examinations are filled with leading questions, aggressive questions, pre-planned interrogations and tactics whose meanings and intentions I cannot fully grasp from reading the transcripts alone. Moreover, I have no possibility to decide in what voice the questions are asked or answered, and I am not the one deciding the questions. Ideally, I would have been present during all trials, and thereby able to comment on the appearance, tone, body language etc. of the individuals at trial and the related counsels. However, all the trials I examined are already completed and spanned over a period of more than a decade, rendering such an approach and presence impossible.

Also, the transcripts from the relevant cases comprise an enormous amount of material, literally thousands of pages. In total, I had 56.332 transcript pages from which I gathered the data material for the analysis. The transcripts from the case of Miroslav Bralo comprised ‘only’ 136 pages, whereas the case of Esad Landzo and Hazim Delić produced a total of 16.417 transcript pages. In most cases, the accused stands charged with several offences, and not only sexual violence. To find the relevant passages concerning sexual war violence in the transcripts, I searched for the following key words: *anal, anus, castrat*, ejaculat*, erect*, fellatio, female, genital,*

*girl**, *homosex**, *intercourse*, *lov**, *mouth*, *mutilat**, *nake**, *oral*, *penetrat**, *penis*, *rap**, *sex**, *testicle**, *vagina**, *woman* and *women*^{20, 21}. Further, for the different cases, I searched also for the relevant witnesses' and victims' names or pseudonyms as indicated in the judgments. I preferred to err on the inclusive side – thus several of the words in this list could also indicate non-sexual events or testimonies, e.g. 'naked eye', 'erection of a building', 'a bullet penetrating a wall', 'political intercourse', 'word of mouth', 'oral testimony', 'Slovenia', as well as 'girl', 'woman' and 'women' were abundant in testimonies that did not involve sexual violence or gender relations. Although I believe I have captured all possible words that can be used to refer to a crime of a sexually violent nature, there is a possibility that relevant material has escaped my enquiry. My analysis therefore, focuses on what I found by the use of the abovementioned key word searches, and did by no means exhaust the entire data material. Also, I countered this possibility by comparing the passages' content with both the indictments and judgments to make sure that I would analyze all the offences that resulted in a conviction. In addition to the passages which the key words-searches defined, I also read the opening and closing arguments of the Prosecution and Defense counsels and the entire testimonies of the accused when they chose to testify, not only the passages concerning sexual violence.

Finally, several transcripts are translated versions of testimonies that were given in the Serbian/Croatian/Bosnian language. Although I will not address this aspect in further detail, I believe Prosecutor Sellers' (2007 [seminar]) observation is interesting and to the point:

the interpreters must withstand lengthy, often vivid, heart rendering details of the sexual assault crimes, and be able to accurately and repeatedly invoke a vocabulary of socially difficult words and phrases descriptive of sexual crimes. The interpreter is, therefore, a very essential member of staff.

These final aspects do not make analysis impossible, but they do require sensitivity to the material and qualification of the analysis' findings.

²⁰ Listed alphabetically and not indicating relevance or order of appearance.

²¹ Asterisk indicates that the ending of the word is not defined which assure that various forms of the given core word are included. E.g. 'rap' would include hits for 'rape', 'raping', 'raped' and 'rapist', 'sex*' would include 'sex', 'sexual', 'sexualized' etc.

3.3 Existing Studies and Beyond

The existing literature on sexual war violence includes the reproduction of four journalistic interviews with three perpetrators of sexual violence in the BiH wars subjected to prosecution under national jurisdiction. I will include these interviews in the analysis. The authors probably doctored the interviews to some extent, and as with the ICTY transcripts, I am not the one asking or deciding the questions. Also, the three former soldiers spoke to journalists, who probably condemned them, but whose judgment could not result in imprisonment for the interviewees. Perhaps further examination and thorough investigations – including victims’ testimonies – would substantiate or challenge their statements. If and to the extent that they are presented in a more ‘favorable’ light in the analysis than are the ICTY-convicts, take these considerations into account. However, all three soldiers admitted their guilt, and the interviews were conducted in the immediate after-war context – as opposed to much of the court proceedings in the ICTY. Their perceptions and representations of the experiences they had during the war provide interesting material for the following analysis.

In the research field concerning sexual violence, there are a few notable exceptions devoted at length to develop our theoretical understanding of what makes a war perpetrator of sexual violence. In particular, Henry *et al.* (2004) offer some persuasive arguments (see also Enger 2007; Price 2001; Seifert 1994). Further, feminist scholars have through their examinations of victims’ experiences shed some light on motivations for perpetrators but without examining this in depth, and without it being at the focus of attention in their work. Also, scholars in other research fields have focused on motivations of perpetrators of non-sexual war violence. They offer interesting insights into the understanding of perpetrators of sexual war violence too, provided qualification and acknowledgement of the differences pertaining to the nature of the war act in question. Combined, these studies illuminate important aspects to the comprehensive understanding of sexual war violence. After presenting my empirical analysis, I will confer with this literature and see if and how it substantiates my findings.

3.4 A Qualitative Interview with an ICTY Convict

Initially I planned and hoped to do several interviews with ICTY convicts, and use them as the main source of data for analysis. The purpose of these intended interviews was to approach the informants' understanding of their role in the violence they were convicted for, and their understanding of what makes sexual war violence possible – and through their representations look for a special discourse pertaining to the military and the sexual perpetrations that soldiers committed. I started negotiating access to potential informants in August 2007. The informants had to fulfill two criteria: i) the ICTY or associated, national courts had convicted him/her for sexual war violence; and ii) s/he was still serving her/his sentence²². Hence, I also contacted individuals who were convicted for superior responsibility, or for knowing or having had reason to know that sexual violence were committed by peers, but who failed to take steps to prevent it. These criteria were chosen out of concern to access, as the ICTY provides the name of the convicted and information about which country they are serving their respective sentences in. Also, as the informants would have been confronted with the sexual violence they were convicted for, and thus forced to reflect upon it while in the court system. Hence they would to some extent be familiarized with talking about their experiences.

I quickly negotiated access to one informant who agreed to participate in an interview after reading the information letter I sent him (Appendix A). However, after eight months of consistent efforts at negotiating access to other potential informants, I had to acknowledge that the time limits posed by this thesis would not allow for several interviews²³. I experienced that there were gatekeepers at several levels who called a halt to my numerous access inquiries. First and foremost, the many time-consuming bureaucracies, most often represented by the Ministry of Justice (MoJ) in the different countries where ICTY convicts serve their sentences. In several cases I never received any feedback from the relevant MoJ at all. In two instances the gatekeepers were the

²² There are 13 individuals convicted for sexual war violence that are still serving their sentences (May 2008): Radoslav Brdjanin, Miroslav Bralo, Ranko Česić, Hazim Delić, Gojko Jankovic, Radomir Kovač, Dragoljub Kunarac, Dragan Nikolic, Biljana Plavsic, Mlado Radić, Milomir Stakic, Duško Tadić and Dragan Zelenović. Radovan Stankovic is not done serving, but has escaped from custody in BiH (ICTY 2008b).

²³ In mid-May 2008 I received a few positive feedbacks that I decided not to pursue any further for the purpose of this thesis, as I was concluding my work at the time. However, I hope I will get the opportunity to pursue them further in the future.

governors at the respective detention facilities after the MoJ had provided a green light from their part and the necessary contact information. The two prison governors politely rejected my request and argued that they did not want to provide the given detainee the opportunity to justify his actions²⁴. And finally, the potential informant him/herself was at times the gatekeeper. Shame, guilt, stigma, fear, denial and reluctance are perfectly probable reasons for such a rejection of participation. In sum, it appears that the rendering of perpetrators as invisible in studies of sexual war violence occurs at three levels: the researchers' ignorance, the time-consuming processes of approval at various authorities and bureaucracies in power over the perpetrators in detention; and finally, the reluctance of perpetrators themselves.

Although aware of and prepared for a long bureaucratic process, the silence from many authorities has been nothing short of deafening. Faced with this challenge, I opted for the best alternative that had emerged while I prepared for the interviews; an analysis of the ICTY transcripts, combined with the analysis of interviews with perpetrators reproduced in the literature on sexual war violence. While I will not engage in a thorough analysis of the interview I did undertake, I include a few paragraphs about it because it offers relevant insights on crucial themes. I find the experience of interviewing and meeting someone convicted for sexual war violence face-to-face valuable as a background experience for analyzing the ICTY transcripts. I will not present or analyze details about the crimes my informant was convicted for, out of respect for his wish for anonymity. I will discuss some of his statements pertaining to sexual war violence on a general basis, his presentation of himself and his comments regarding the ICTY. The experience itself is important to reflect upon, as I hope more such interviews will be conducted in the future. Although one cannot fully prepare for such an interview, it might be helpful to be aware of possible reactions and challenges, some of which I encountered.

In her thesis on war rapes, Enger (2007:13-14) briefly discusses why she chose not to interview perpetrators. Beside challenges related to access, she emphasizes the

²⁴ I would like to mention here, that I also met several engaged and helpful individuals at both MoJs and detention facilities who gave me contact information to the next level or otherwise tried to work the bureaucracy they were part of.

difficulties of undertaking such an interview in a professional manner. Interviewing inevitably involve questioning of very sensitive material and hence also ethical challenges on the researcher's account. For my interview, I first got permission from the relevant correctional service authorities, who approved my project description. Through the information letter and my introduction to the interview itself, the informant knew the objective of my study, and knew that he could at any time decide not to participate. Further, I entered the interview with an intention to let the informant's will and dislike to talk open up for and limit what we talked about. I also emphasized that the purpose was to understand sexual violence better, and not to judge *or* justify the acts. While interviewing, I experienced the informant as very self-assured, he was not afraid to talk about the sexual violence he was convicted for and he would, in his own way, answer any question I had. I considered the possibility that he would be uncomfortable with a tape recorder, but he had no objection to it, and said he was accustomed to the use of such devices from the ICTY. My informant wanted to be presented with a pseudonym, and we agreed that I would delete the recording and transcripts after the thesis was completed.

My informant, 'S', was convicted by the ICTY for his involvement in sexual war violence in the BiH-war. When I met him in December 2007, he was serving his ICTY sentence in a European detention facility. The interview was undertaken in a small visitor's room within the detention facility in which my informant served his sentence²⁵. Present were the informant, an interpreter and myself. There are some challenges related to the use of an interpreter, both when it comes to what gets lost in translation, and the impact an extra individual in the room has on the setting and the informant. However, an interpreter was absolutely necessary, neither my informant nor I would or could have it otherwise, and the interpreter was a professional. Prior to the interview the interpreter and I prepared over telephone and by email, and he was very interested in the topic of the interview. I think that a male interpreter can actually add an advantage in an interview with a male informant on such a difficult topic, as it is perhaps easier for the informant to address a male than a female. I believe that it was

²⁵ Out of concern to his anonymity I will not provide information about country or location, or the name of the interpreter.

also more comfortable for me to have an additional person present, as I was nervous before the interview about meeting face-to-face a person that I knew had been convicted for horrible sexually violent crimes. The interview lasted a few minutes short of 2.5 hours.

In a qualitative interview, a lot depends on the interviewer herself – her knowledge about the topic and her skills in social interaction (Kvale 1997:151). As for the former, I believe I have great knowledge about sexual war violence in BiH. I also think I qualify for the latter ‘precondition’ for a good interview, although this judgment is best passed by others. For the interview, I brought an interview guide that suggested questions and topics for the interview and which was pre-approved by the relevant correctional service authority (Appendix B). During the course of the interview, we addressed these issues, without it being necessary to confer the guide much. I transcribed the recorded interview the two following days.

Throughout the interview S appeared to be confident. I experienced him as sturdy, authoritarian and, admittedly, a bit frightening at first. This had probably more to do with my knowledge about his criminal record than his actual and physical appearance. As we sat down he asked if we could first talk a bit about ‘normal, uncomplicated stuff’ before we started the actual interview, which I accepted as a redeeming feature, indicating that he, too, was a bit nervous. Then, as he said he was ready to start the interview, he set the framework for the proceeding interview conversation by stating: ‘When you engage in a study such as this, you must be prepared also, that the informant you meet can be entirely innocent’. S had a story he wanted to tell, and it concerned for the most part his innocence and produced explanations as to why he was convicted: He was convicted, because the witnesses gave false testimonies – probably because they wanted political asylum in Western European countries. He was convicted, because the ICTY is a political court with judges that share a political agenda: to establish and implement sexual war violence as a war crime. A conviction in S’s case served that purpose. Accordingly, the ICTY procedures are intended to pass judgment, not to decide whether the accused are guilty or not. He was convicted, because the mass media presents every ICTY-indicted individual as a monster. ‘Remember’, he said, ‘that if the media repeats a lie a sufficient amount of times,

people start believing in it'. S held that there was no party to the BiH-war that behaved worse than the other, despite the media presentations of the Bosnian Muslims as innocent victims and the Serb and Bosnian Serbs as aggressive perpetrators. According to S there was no mass rape and sexual violence did not constitute part of efforts to implement the so-called 'Greater Serbia-plan'. As I ('A') questioned S's remark that there were no mass rapes, he admitted that there were probably isolated incidents of rape, but those were committed by opportunists. I persisted, referred to the CEFR and said that the numerous witness and victims' accounts suggest that the rapes in BiH were more than a few isolated rapes. Our exchange continued:

S: You need to work against the prejudices you have – that there was any such thing as mass rapes. I am 100% certain that this did not occur. Show me 50 rapists, 50 persons that have been convicted or indicted for rape, and I will admit that there was systematic rape.

A: But don't you agree that the victims will have troubles standing forth, acknowledging they have been raped, and also because they consider this as something private and humiliating? Something very difficult to talk about – which can explain why so few have been convicted.

S: Probably

A: So you can be open to the possibility of mass rape?

S: That's hypothetical, and I hate hypothetical situations – if that, then this...

S then went on to encourage me to read the entire case files, and confidently asserted 'if you consider me guilty after doing that, I will double my sentencing time'. He was innocent because, as he said,

I would never have had sex with someone who did not want to herself. There was no need for that – not before the war and not after. I have never pressed myself onto someone who does not want to have sex. I think... I am totally normal, like everybody else, with normal needs

It is noticeable how he argued that he would never rape – not because that would be morally wrong and would compromise the integrity of the victim – but because his 'normal needs' have always been met, thus he has never needed to. He further stated 'I am absolutely against rape because I am 100% positive that I have not raped'. Similarly, he is 'against rape' not because rape is a universal crime or wrongdoing, but because it is something that he has not committed, therefore he can be against it. Finally, his sentence was too long in relation to the crimes he had been convicted for. Thus, although he agreed that rape was a criminal offense, and said, at one point, that

he was in favor of the practice of hanging rapists in Iran, he belittled the seriousness of the crimes he himself was convicted for, crimes he denied having participated in²⁶.

I knew before I met S that he had not pleaded guilty before the ICTY and that he would probably claim his innocence also in the interview. Still I had a minor hope that he could see the interview, provided I guaranteed his anonymity, as an opportunity to confess about the perpetrations he was convicted for, and share with me his understandings of and explanations for his participation. At the time of the interview, the informant had already been convicted, and his freedom would not depend on what he did or did not say to me (see also Brantsæter 2001:105).

The process of negotiating access to potential informants proved to be too time-consuming to pursue further for this thesis. Thus, the experience of meeting and interviewing S, and the difficulties associated with negotiating access to other informants constituted the background upon which I engaged in the analysis of the ICTY transcripts and the analysis of others' interviews with perpetrators, reproduced in the literature on sexual war violence. I include this chapter on my experiences in this regard because they may also provide relevant insight for future students and researchers in this field.

Turning now to the second part of this thesis, I will first present my analysis of the empirical data in chapter four. Then, I will present and discuss relevant literature in light of those empirical findings, in chapter five.

²⁶ Large parts of the interview dealt with what S considered mistakes of the tribunal, and illogical practices that he had discovered while at trial. At one point he asked me if I did not find it remarkable that another individual who repeatedly appeared in the witnesses' testimonies as a perpetrator of sexual violence, had not also been indicted by the ICTY. As I had read the transcripts of the relevant testimonies, and found them credible, I replied 'Yes, I do find that remarkable'. Later, I have wondered if S understood my confirming comment as supportive of his general criticism of the ICTY, when that was not what I intended.

CHAPTER FOUR

EMPIRICAL FINDINGS: FIVE PERPETRATOR IDENTITIES

War is hell. (...). Artillery shells were falling almost daily on the town (...) Frequent deaths, the wounding of soldiers, civilians, and children occurred. Attending the funerals of my relatives, friends, and acquaintances was frequent (...) [E]vents followed one another at a great speed, and at times, it was very difficult to act wisely. A great deal of fear, panic, fatigue, stress, and at times alcohol, too, influenced my actions. Under those circumstances, I made erroneous decisions and I committed erroneous acts. At the time, I didn't have sufficient courage or determination to prevent volunteers and local criminals from committing evil (...) and for this I feel great remorse (...) (*Todorović* 04.05.2001:59-60)^{27, 28, 29}.

Wherever, however and for whatever purpose the sexual war violence analyzed in this thesis was perpetrated, it was committed in the context of a brutal war, where violence was common and loss of friends and family members were frequent. It was all perpetrated in a military setting and sub-culture, and perpetrated by soldiers or other military personnel. It was within the context of war that these soldiers, according to the social constructivist understanding of identity, *became* perpetrators of sexual war violence. The BiH war environment composes the universal framework for all arguments or explanations for soldiers' participation in sexual violence that are presented in the ensuing analysis. The extract above is taken from the guilty plea statement of Bosnian Serb Stevan Todorović. His statement is included here to serve as a reminder for the ensuing analysis about the immediate context of the sexual violence perpetrations analyzed below.

In this chapter I present my analysis of the 13 ICTY cases and the four interviews from the literature that I have examined. For every examined case, the perpetrator, offence, victim and context are unique. The reasons for individual soldiers' involvement in sexual war violence that the analysis suggests vary accordingly between cases. However, some explanations are more closely related than are others: Some perpetrators said they sexually violated others because they tried to be good soldiers, others appear to have raped or committed sexual violence for competitive

²⁷ In the following, references to transcripts from the various cases will take the following form: if the transcript is collected from the case against Todorović I will refer to the source as "Todorović Transcript Date: pages" (dates are given in the format 'dd.mm.yyyy'). For references to judgments, the form of the reference will be 'Todorović Judgment Date, para. XX'. The relevant web address and the date the page was last accessed will be provided in a footnote the first time the reference to that transcript appears (for example, see fn 32 below).

²⁸ <http://www.un.org/icty/transe9-1/010504ED.htm> (Last accessed 15.06.2008).

²⁹ It is a recurring feature of all guilty plea statements that the specific acts that the perpetrators pleaded guilty to, are not mentioned by specific, descriptive terms, but are rather referred to as 'acts', 'its' or 'things'.

reasons, and yet others stated they committed sexual violence because they did not want to stand out in the crowd. Several perpetrators appear to have raped because the war offered the opportunity, and finally, a number of perpetrators have testified that they raped or sexually violated others because they were threatened to do so. Based on these similarities between cases I found that there were five core perpetrator identities that repeatedly manifested themselves, and which captured all variants of explanations for the individual perpetrators' participation in sexual war violence that emerged from the analysis of the empirical material. Thus, I have constructed five perpetrator identity categories according to which the ensuing analysis is thematically organized. I have named the categories 'The Soldier Idealist', 'The Competitor', 'The Conformist', 'The Opportunist' and 'The Survivor'.

The categories can be seen as analysis 'pegs' onto which the related variants of explanations for individual soldiers' participation in sexual war violence are clustered, and form five tentative, overlapping and inclusive core perpetrator identities. The identity categories are flexible enough for the variants of similar arguments to be clustered in the same category, and still specific enough to include all the different explanations and arguments offered by this particular data set. The construction of five perpetrator identity categories according to which the various explanations and arguments in the material can be thematically organized, is not intended to draw clear-cut lines between the different perpetrator identities that the categories suggest. The identities are not mutually exclusive, and were not readily available in the material as single, sufficient explanations for the individual perpetrators' engagement in sexual war violence. A perpetrator may have many 'perpetrator identities'. For some perpetrators, almost all perpetrator identities were represented, and they interacted and overlapped.

Esad Landzo: Setting the Stage

The case of Bosniak soldier Esad Landzo, nicknamed Zenga, who served as a guard in the Čelebići camp, is an example of a particular rich case in which several perpetrator identities were represented. The following thorough examination of his case serves three purposes: it introduces the analysis, the identity categories, and offers a more

detailed account of a specific case than what space restrictions allow for in the remainder of the analysis.

[Mr. Dordic]: One day Zenga (...) told me and my brother: 'Get up'. We got up and (...) [h]e ordered us to take off our trousers. First my brother took off his and then he forced me to kneel down in front of my brother and to put into my mouth his genitals. So then he – we changed and while I was holding my brother's sexual organ, he forced us to do that for about two or three minutes. Then he had to – then I had to get up and my brother had to kneel down in front of me and do the same thing, and all prisoners saw this. It was done in front of all the prisoners.

[Question by the Prosecution]: Did Mr. Landzo say anything while doing this to you and your brother?

[Mr. Dordic]: Landzo said to me in front of all the prisoners: 'See what the Serbian brothers and Chetniks³⁰ are doing. That's what they would do to me too'. Those were the words of Zenga Landzo in front of all the prisoners (*Mucić et al.* 07.07.1997:4360-4361)^{31, 32}.

Bosniak Esad Landzo was prosecuted in the *Mucić et al.*- case before the ICTY for his various crimes against Serb detainees in the Bosnian run Čelebići camp. The reproduced exchange above concerns one of the crimes Landzo was convicted for. He was also convicted for, on several occasions, rounding a slow-burning fuse around male detainees' bodies, putting one end inside the anus and the other end around the penis, and then setting it on fire. All offences were committed in front of all the other prisoners (*Mucić et al.* 07.07.1997:4358-4359).

The offences that Landzo admitted he took part in, involved obvious sexual humiliation and physical pain. A possible interpretation of the offence where the male victims were forced to perform fellatio on each other is that the offence was intended to humiliate the victims and ridicule their masculinity through enforcing a homosexual identity upon them. The public display of the offences in front of all the other prisoners probably constituted a vital part of the purpose of the offenses. By de-masculinizing the brothers through 'homosexualizing' them, and making the other prisoners that belong to the same ethnic group watch, the de-masculinization was symbolically projected onto the entire group: as the prisoners were forced to watch

³⁰ The word 'Chetnik' derives from the word 'Četa' (Serb for 'military company'). During the Second World War, nationalist, royalist Serbs, under the leadership of Draža Mihajlović, formed an army that went under the name 'Četnici'. In more recent times, and especially during and after the wars in the former Yugoslavia the term 'Chetnik' is used as an ethnic insult against Serbs. However, some Serb and Bosnian Serb paramilitary organizations and groups took pride in the term during the wars in the former Yugoslavia, and called themselves Chetniks (see Mønnesland 1992; Silber & Little 1997).

³¹ <http://www.un.org/icty/transe21/970707ED.htm> (Last accessed 30.05.2008).

³² The extracts from the ICTY transcripts are reproduced as they appear in the original transcripts but spelling mistakes have been corrected.

their peers being humiliated without the opportunity to object or defend them, their group-identity as 'real men' was challenged. By forcing two adult males to perform fellatio on each other, Landzo demonstrated the utter lack of power of the brother victims *and* the prisoners forced to watch the assault. It is also likely that it was not only the direct victims and witnesses that were targeted by the offense, but also the victims' ethnic identity. This was expressed as Landzo presented the offense as a pre-emptive strike when he commented 'See what the *Serbian* brothers and *Chetniks* are doing. That's what they would do to me too' (emphasis added). As Landzo demonstrated the weakness and powerlessness of his victims, he simultaneously demonstrated his conversely proportional *masculine* and *ethnic power* by being able to force two adult Serbian men to perform fellatio on each other. Accordingly, the perpetration was constructed as a *competition*, in which Landzo claimed superior powers over his victims and what they represented.

In his testimony, Landzo told the court that Croatian paramilitaries or soldiers of the Croatian Defense Council (HVO) forced him and a friend through military training. Part of their training was to watch 'TV tapes, photographs of burned down villages, of killed women and children' and the soldiers told him 'that this happened to the Croats in Croatia and this would also happen to the Bosniaks in Bosnia, unless [Landzo and his friend] got ready in time' (*Mucić et al.* 27.07.1998:15007-8)³³. After the military training Landzo remained in his village and worked as a bus boy in a local restaurant. However, in April and May 1992 Bosnian Muslim refugees escaping Serbian and Bosnian Serbian armies passed the restaurant, and 'day in and day out' he was told stories of raped women and girls (*ibid*:15020). His testimony suggests a sense of justified revenge following exposure to propaganda and the stories of victims to Serbian aggression. Added to that was an environment that encouraged him to participate in the fighting by appealing to *masculinity ideals* of a responsibility to protect:

³³ <http://www.un.org/icty/transe21/980727it.htm> (Last accessed 13.06.2008).

As a young person, I am sure that also many other young people wanted to contribute to the defense of our country. It was our duty as the inhabitant citizens of Bosnia-Herzegovina. We didn't want our mothers and sisters to happen [sic] what happened to these refugees (ibid:15024).

Thus he volunteered for service, and was ascribed to the Čelebići prison camp. Upon his arrival in the camp, the Commander said that his and the other new arrivals' duties and obligations were

to be guards, and to carry out all the tasks without any resistance. And he told us it's not to think, but to do and to execute what is being ordered. And that is something which was repeated many times. If we tried to ask something, it's not, we were told, it's not up to you to think, but it's up to you to do and to work. We were told that the detainees were (...) Chetniks (...), that we must be very careful in our contacts with them, that they could take our weapons, they might shoot a guard or all guards (ibid:15030-1).

Accordingly, Landzo was strongly induced to follow orders and he was told that the prisoners – the Chetniks – constituted a threat to his survival. The plight to follow orders strongly correlated with Landzo's *idea of a perfect soldier*. Reflecting on what meaning he ascribed to his role in Čelebići, Landzo explained:

I tried, attempted to be a perfect soldier (...) I did believe that I have to execute each and every order, each and every task without complaint, as was said in the beginning. And that is how I understood it. The term of perfect soldier, namely to behave in accordance with the orders and obligations. The perfect soldier is the one who executes all the orders. I tried to keep to that throughout the war (...) I really wished to execute the orders of my superiors (*Mucić et al.* 28.07.1998:15087)³⁴.

Landzo never expressed in the ICTY that he questioned the crimes he committed at any one time. Rather, following these two extracts, it appears that he internalized the Commander's instruction, and never thought about anything beyond his perceived obligation to always execute orders.

However, in another passage of his testimony Landzo recalled an episode that suggests he was not always and only acting on orders. While serving as a guard in Čelebići, he traveled to a nearby town where he saw the corpses of police officers and civilians that had been killed by Serbs. The penises were cut off of the civilians' corpses. Witnessing this made him very upset and angry, and when he got back to Čelebići, he severely beat one of the prisoners at the camp (ibid:15053). He beat the prisoner because he had the *opportunity* to do so. It is possible that he felt that the mutilation of

³⁴ <http://www.un.org/icty/transe21/980728ed.htm> (Last accessed 30.05.2008).

his peers was a symbol of an attempt to de-masculinize his entire ethnic group, upon which he felt a need for payback, to restore his ethnic manhood and reclaim his and his ethnic peers' masculine powers. This line of reasoning may explain the character of the sexual violence he made the Čelebići-prisoners suffer, and further contextualizes this violence as a form of justified revenge.

Landzo testified that it was his Deputy Commander, Hazim Delić, who ordered him to force the Dordic brothers to perform fellatio on each other, and further, that Delić was present the entire time. According to Landzo, Delić also taught him how and ordered him to torture the prisoners with the fuse cord (ibid:15080-2). When asked if he was afraid of Delić, Landzo replied

Yes, but not only myself, many others were afraid, also. *I carried out all the orders out of fear* and also because I believed I had to carry, execute them. So, these are the two factors. I considered orders as orders which had to be executed. I was really afraid if he would come and that I would say I didn't do something. I couldn't return and come back and say that I didn't execute an order he has given me (ibid:15087-8, emphasis added).

According to Landzo, he was told that if he didn't comply with orders, he would be executed (ibid:15088). His statement was substantiated by another witness who also served as a guard in Čelebići, who stated that it would be dangerous for anybody to protest the orders or the treatment of the prisoners (*Mucić et al.* 18.07.1997:5404)³⁵. Accordingly, Landzo presented his participation in sexual war crimes as something he had to do to *survive*.

Esad Landzo was 19 years old at the time he perpetrated these offences. His Defense counsel presented Landzo as a lonely, young boy with asocial tendencies and attributed his urge to obey and act as others told him to his reduced mental capabilities (*Mucić et al.* 13.07.1998)³⁶. At one point the Landzo Defense even stated that '[t]he true victim of the aggression in this case is Esad Landzo' (*Mucić et al.* 31.08.1998:15536)³⁷. In support of the Defense claim of Landzo's diminished mental responsibility, a psychiatrist testified that Landzo, in therapy, 'says he remembers seeing people being beaten and injured and he remembers how somehow that seemed

³⁵ <http://www.un.org/icty/transe21/970718ed.htm> (Last accessed 13.06.2008).

³⁶ <http://www.un.org/icty/transe21/980713ED.htm> (Last accessed 30.05.2008).

³⁷ <http://www.un.org/icty/transe21/980831ED.htm> (Last accessed 30.05.2008).

normal because in war one learns not to see others as human beings, but as animals that are always potentially dangerous' (*Mucić et al.* 15.07.1998:14531-2)³⁸. Rather than as evidence of Landzo's reduced mental capacities, his comment can be understood as a description of how the war environment and repeated violence can change an individual's perceptions of what is normal and thereby also what is tolerable, right and wrong. What is repeated becomes the norm.

The ICTY rejected the Defense assertion that Landzo because of his age and mental state, and because he acted on superior orders, was not responsible for his actions. The ICTY found that the evidence indicated Landzo did not undertake his orders reluctantly, but rather took some 'perverse pleasure' in inflicting pain and humiliating the prisoners (*Mucić et al.* Judgment 16.11.1998, para.1281)³⁹. This reference to 'perverse pleasure' corresponds to the 'Opportunist' perpetrator identity. Landzo might have been ordered to sexually violate, but to him the order constituted also a welcomed opportunity to do so. The judges took into consideration '*the harsh environment of the armed conflict*' as a mitigating factor when deciding Landzo's sentence. This consideration was made in light of Landzo's lack of proper military training, his relative youth, and his immature and fragile personality at the time (*ibid*: para.1283). Landzo was sentenced to 15 years imprisonment.

In the remainder of this chapter I will present the five perpetrator identity categories and the explanations they entail as to why soldiers participate in sexual war violence. The Landzo-example introduced the 'Soldier Idealist', 'Opportunist', 'Competitor' and 'Survivor' perpetrator identities. The ensuing analysis will also include the 'Conformist' identity. The structuring of reasons, arguments and explanations for participation in sexual war violence according to core, typical perpetrator identities makes it possible to present the analysis of a vast empirical material in summarized and to-the-point illustrative examples. I explain and substantiate each category with examples and excerpts from the empirical material. These illustrations involve perpetrator statements and recounts of sexual war violence offered by witnesses,

³⁸ <http://www.un.org/icty/transe21/980715IT.htm> (Last accessed 13.06.2008).

³⁹ <http://www.un.org/icty/celebici/trialc2/judgement/index.htm> (Last accessed 30.05.2008).

victims, counsels, judges and perpetrators themselves. The references to the different perpetrator identities that the material suggests are sometimes obvious. Often they are subtler and emerge only after more detailed analysis of the ICTY transcripts and interviews. The examples and extracts that I present and analyze are selected on the basis of their relevance and potential explanatory power. It is the *presentation of the perpetrator* in these examples and extracts, and what that presentation can disclose about possible reasons for the offense that is considered relevant for the present analysis. Thus, the included excerpts and examples are not selected on the basis of the gravity of the offenses they present or refer to. Obviously, the selected examples represent choices made based on *my* reading of the transcripts and interviews, and what findings I drew from the various cases. I refer only briefly to some cases, whereas I analyze others more extensively. Also, my choices in this regard depend much on the focus of the counsels and judges or journalists in the different cases, as it is their questions and their weighting of different aspects that define what are finally presented in the transcripts and interview reproductions⁴⁰.

4.1 The Soldier Idealist

The first perpetrator identity that the empirical data material suggests emphasizes the individual soldiers' urge to comply with what they consider or construct as correct or ideal soldier conduct. According to the 'Soldier Idealist perpetrator', he sexually violated because sexual violations form part of what he considered to be good soldier behavior. Thus, the soldier perpetrators ascribed to this perpetrator identity, raped or sexually violated to comply with their idea of a perfect soldier. The examination of the Landzo-case above introduced this perpetrator identity, and it is further illustrated by the example of Miroslav Bralo.

In 1993, Croat Miroslav Bralo was 25 years old, and his family and friends described him as 'honest, hardworking and decent' (*Bralo* Judgment 15.12.2005, para.47)⁴¹. Prior to February 1993, Bralo had no criminal record – but in the midst of war he

⁴⁰ The chronological order of the perpetrator identity categories in the ensuing analysis is not meant to indicate any particular weighting of rape or sexual war violence enabling factors.

⁴¹ <http://www.un.org/icty/bralo/trialc/judgment/index.htm> (Last accessed 13.06.2008).

killed a neighbor in affect⁴² and was imprisoned for this offence shortly thereafter. In April that year he was released from prison on the condition that he participated in the forces of the HVO (ibid, para. 50). It was as a member of HVO that Bralo committed the war crimes that the ICTY later convicted him for. His crimes involve the multiple rapes of ‘Witness A’, a Bosnian Muslim woman.

According to the evidence presented in court Bralo repeatedly raped Witness A as part of an interrogation that his superior, Anto Furundžija, was in charge of⁴³. Bralo repeatedly ejaculated over Witness A’s body and bit her. She had to swallow Bralo’s semen, and she was ordered to lick his penis after he had raped her anally. Several soldiers witnessed the rapes, and ‘Witness D’, a friend of Witness A, was forced to watch the sexual violence as well (*Furundžija* 22.06.1998:658-659⁴⁴; *Bralo* Judgment 15.12.2005, para.15). The interrogation was conducted with threats of genital mutilation and death (*Furundžija* 22.06.1998:651-2). In 1998, towards the end of the trial against Furundžija, at a time when Bralo was still at large, the Furundžija Defense held that

[Miroslav Bralo] is not, or was not at the time, a rational person and was apparently (...) known to excess. So why would he rape Witness A? He raped Witness A because it was his modus operandi (...). So there is no logic as to why he would want to rape someone (ibid:718).

Furundžija and his defense thus fostered the image of ‘the soldier rapist’ as an abnormal person, whose actions are beyond any rationality and comprehension, and therefore also beyond the responsibility of his superiors. The ICTY rejected Furundžija’s claim of not being responsible for Bralo’s actions.

In 2004 Bralo surrendered to the ICTY, and soon after he pled guilty and confirmed the findings of the Tribunal in the *Furundžija*-case. In October 2005 he submitted a guilty plea statement that challenged the image of Bralo that the Furundžija Defense implied. He did not claim reduced responsibility because of his mental state at the time. He explained his participation in sexual war violence as part of his efforts to be a

⁴² ‘In February 1993, Bralo’s home was targeted in a grenade attack (...) The Defence states that Bralo chased down the individual he believed responsible for the attack, who was one of his neighbors, and shot and killed him’ (*Bralo* Judgment 15.12.2005, para. 49).

⁴³ Anto Furundžija was also convicted by the ICTY in a separate trial for his involvement in the rape of Witness A. The reproduction of the assault against Witness A presented here, is based on transcripts from both trials.

⁴⁴ <http://www.un.org/icty/transe17-1/980622ed.htm> (Last accessed 30.05.2008).

successful soldier. His guilty plea statement suggests that he, and his peers, created a rationale behind their actions on that ground. Below follow extracts from this statement:

I am guilty, and I deeply regret it (...) Our wrongs were so terrible – I include others here – that we even clung to them, and tried to justify them. I tried to be proud of my actions and to think they were the actions of a successful soldier. Today I am ashamed of all that, ashamed of my conduct and ashamed of how I behaved.

No, these were not the actions of the soldier I once wanted to be (...) I was not brave enough to recognize what I had become, I was not brave enough to speak out for people whose lives should have been saved. At that time that would have been the heroic act.

It has taken me years to understand and acknowledge my full responsibility for each of my own actions (...) The Tribunal has had to deal with a lot of lies. I do believe that the only way forward is for the truth to be told and for the denial to stop. I don't think I lied, but I was one of the biggest deniers – particularly to myself (*Bralo* Guilty Plea Statement 07.10.2005:5)⁴⁵.

The defense claimed that 'Mr. Bralo was used (...) as a weapon of war. (...) He was used to commit rape, under orders, to facilitate an interrogation' (*Bralo*, 20.10.2005: 122-3)⁴⁶. However, as indicated in his statement above, and confirmed later by his counsel (*ibid*:115), Bralo knew at the time that he acted wrongly. A possible interpretation of Bralo's statement is that Bralo and his peers voluntarily submitted to a self-delusion because they were aware of the terrible nature of the crimes they committed. He tried to justify the actions with reference to an idea of 'a successful soldier'. If he could purport his actions as part of the conduct of a successful soldier, he could delude himself to be proud of them, rather than ashamed. In his statement, Bralo further acknowledged that what would have been 'heroic' and 'brave' – typical masculine ideals – at the time would be to object and speak out. The fact that he did not, suggests that he had strong incentives not to. These may include fear of being rejected by his group or superiors for not upholding group conformity or following orders. That way, Bralo had both a motivation for his actions (to become or remain a successful soldier) and a justification ready when doubts or guilt surfaced, as he was doing his duty as a successful soldier, following the orders of his superiors and confirming group loyalty. It is worth noting that the reproduction in court of the sexual violence Bralo committed against Witness A, did not suggest he experienced any

⁴⁵ <http://www.un.org/icty/cases-e/cis/bralo/cis-bralo.pdf> (Last accessed 30.05.2008).

⁴⁶ <http://www.un.org/icty/trans17/051020ED.htm> (Last accessed 30.05.2008).

moral ambivalence regarding the crimes he was committing while he was doing them. However, the suggested self-delusion process may already have been ‘completed’ and implemented at the time of this offence, and may therefore have worked at subtler levels than what can be witnessed by others or consciously experienced by Bralo himself. As Bralo said in his guilty plea statement, it took him years to fully grasp his responsibility, which indicates the power of his ‘successful soldier-delusion’.

Bralo refused to participate in the conflict any longer in late 1994 – which may indicate that he struggled to believe in his own construction of his actions as proud and successful. In the end, Bralo took full personal responsibility for his actions, and did not suggest that the fact that he was following orders when he raped Witness A should mitigate his sentence. Upon sentencing, the ICTY noted that

[l]arge sections of the population (...) of Bosnia and Herzegovina, were subjected to the same or similar pressures, and yet they did not respond in the same manner as Bralo (*Bralo* Judgment 15.12.2005, para. 51).

For his crimes out of which the sexual violence against Witness A was part, Bralo was sentenced to 20 years imprisonment⁴⁷.

There are many differences between the Landzo and Bralo cases, and I will briefly mention four of them, to emphasize the unique character of each and every rape and sexual offense, and also of each perpetrator. Bosniak Esad Landzo was 19 years old whereas Croat Miroslav Bralo was in his mid-20s at the time he committed his crimes. Landzo did not sexually violate his victims by the use of his own physical body. Bralo personally raped Witness A. Landzo’s judges accepted the references to the harsh war environment as a mitigating factor in sentencing, whereas for Bralo they highlighted that most people in a war environment do not respond to the situation by resort to perpetrations that qualify for war criminal conduct. Finally, Landzo claimed he was not responsible and presented fear for his superiors as a reason for his unfailing obedience to orders. Bralo took full personal responsibility for his actions. However, the specific differences aside, the similarities between the Bralo and Landzo cases

⁴⁷ According to the judges, this sentence reflect that the ICTY accepted Bralo’s remorse as genuine, noted that he had undergone a personal ‘transformation’, was trying to atone for his crimes in different ways in his community following the conflict, and observed that he surrendered voluntarily without knowing that he had an indictment against him (*Bralo* Judgment 15.12.2005, para. 69).

support the construction of a ‘Soldier Idealist identity’ category based on these perpetrators’ explanations for their participation in sexual war violence. Their ideas of a ‘perfect/successful soldier’ are clearly comparable and allowed them both not to question the unethical aspect of their crimes. It appears that they rationalized their behavior according to a ‘the end justifies the means’-logic, and the end, in their cases, was to confirm their status as – or reach the status of – successful or perfect soldiers.

4.2 The Competitor

The second category of perpetrator identities suggested by the analysis of the empirical material, I have gathered in the category I call ‘The Competitor’. The perpetrators ascribed to this category appears to have constructed the sexual violence and rapes they committed as a way to demonstrate or establish their personal and/or ethnic masculinity or manhood vis-à-vis that of their peers and victims. Thus, the sexual violence functioned as a means to demonstrate or increase the perpetrators’ status within their group and before the victims. The demonstration of personal masculinity before peers and the demonstration of ethnic superior masculinity towards the victims take on different appearances, and can be seen as two separate ‘kinds of competitions’⁴⁸. However, a single act of rape or sexual perpetration often serves the simultaneous purpose of demonstrating both variants of masculinity (personal and ethnic), and thus carries elements from both competition kinds. In the following, I will offer several examples that illustrate variants of ‘The Competitor’ perpetrator identity.

I suggested in the analysis of the *Landzo*-case at the outset of this chapter that Landzo, when he forced the Dordic-brothers to perform fellatio on each other in front of all the other prisoners, intended to ridicule both the victims’, the viewers’ and their entire ethnic group’s masculinity by enforcing a homosexual identity upon them. The witnesses to the offense were also challenged as ‘real men’ because they could not do anything to prevent the offense or defend their peers⁴⁹. Simultaneously, Landzo

⁴⁸ Note that the use of the terms ‘competitor’ and ‘competition’ are in no way intended to imply that the perpetrators and victims were equal parties in what all perceived as a competition between them. The terms are used to illustrate what the analysis suggests the perpetrators constructed the perpetrations as part of.

⁴⁹ Remember also the Bralo-case (see chapter 4.1) where Witness D, a male friend of the rape victim, was forced to witness the rape without any opportunity to help or defend her. The assault against Witness A, was therefore also an attack on Witness D’s masculine powers.

demonstrated his conversely proportional masculine and ethnic power. The assault against Fikret Harambasic, ‘Witness H’ and ‘Witness G’ reproduced in the extract below offers another example of a sexual perpetration constructed as a competition in ethnic masculinity. The assault took place in the Serbian run Omarska camp.

Fikret Harambasic, who was naked and bloody from beating, was made to jump into the pit with [Witnesses G and H] and Witness H was ordered to lick his naked bottom and G to suck his penis and then to bite his testicles. Meanwhile a group of men in uniform stood around the inspection pit watching and shouting to bite harder. All three were then made to get out of the pit onto the hangar floor and Witness H was threatened with a knife that both his eyes would be cut out if he did not hold Fikret Harambasic's mouth closed to prevent him from screaming; G was then made to lie between the naked Fikret Harambasic's legs and, while the latter struggled, hit and bite his genitals. G then bit off one of Fikret Harambasic's testicles and spat it out and was told he was free to leave. Witness H was ordered to drag Fikret Harambasic to a nearby table, where he then stood beside him and was then ordered to return to his room, which he did. Fikret Harambasic has not been seen or heard of since (*Tadić* Judgment 07.05.1997, para. 206)⁵⁰.

According to Witness H the guards played Serbian nationalist songs in the camp prior to and during the assault (*Tadić* 24.07.1996:4024)⁵¹. Witness H testified in court that before Witness G and himself were taken out of the hangar in which the detainees were held, they heard screams, shouting and beatings. Then a young uniformed guard, ‘trembling with fear’, came into the hangar and asked for two volunteers (*ibid*:4028). Nobody responded and another uniformed man entered and pointed out G and H. Outside the hangar, G and H saw the beaten and lifeless bodies of three fellow detainees, and they were forced to pull the bodies around on the floor and to do push ups next to them. Next, G and H were ordered into a pit of oil and water, ordered to swim in it and drink the oil. Then Fikret Harambasic was ordered into the pit with them, and the rest is reproduced in the above extract (*ibid*:4028-4041). At this point, G and H did whatever they were ordered to, while Harambasic struggled and fought against them, trying to prevent them from what they were doing to him. The guards around them yelled ‘Look at them, mother, what they are doing to each other. Can you think what they would do to us if they are doing to each other this?’ (*ibid*:4040). The similarity between the Serb guards’ comments here and Landzo’s comment during his offense against the Dordic-brothers reproduced earlier is noticeable. As in the Landzo-

⁵⁰ <http://www.un.org/icty/tadic/trialc2/judgement/index.htm> (Last accessed 30.05.2008).

⁵¹ <http://www.un.org/icty/transe1/960724IT.htm> (Last accessed 15.06.2008).

offense, the perpetrators thus presented the offense as its own justification, as a ‘pre-emptive revenge’⁵².

A witness to the assault, Mr. Hodzic (*Tadić* 25.07.1996:4155)⁵³ said that to witness it, and hear the screams, the pain and the orders, was the worst thing that ever happened to him in the camp, and in his life. Accordingly, the demonstration of powerlessness and de-masculinization of the direct victims also affected the rest of the prisoners. As in the Landzo-case, the purpose of the offense might also have been to challenge and humiliate the other prisoners and their entire ethnic group’s masculinity, as they were unable to help Harambasic, G and H. That way, the offense was constructed as a competition in ethnic masculinity, with the Bosnian Serb guards on the one side, and the Bosnian Muslim detainees on the other side, with a predetermined outcome.

Hodzic further testified that the perpetrators seemed to draw courage from the victims’ pleads, imploring, pain and wails (*ibid*:4154). His testimony suggests that a purpose – or at least an effect – of humiliating and torturing Harambasic, G and H, was also for the perpetrators to masculinize themselves. In the analysis of Landzo’s offense I suggested that Landzo demonstrated his conversely proportional masculine and ethnic power by being able to force the Dordic-brothers to perform fellatio on each other. To the degree that these two cases are comparable and the findings transferable, Mr. Hodzic’s statement confirms my suggestion.

The violence inflicted upon Harambasic, and the torture of G and H as they were forced to be the instruments that carried out the violence against him, is an example of what can be understood as a homosexualizing, de-masculinizing assault. The sexual

⁵² The Mucić et al.-case offered other examples of how camp guards used ethnic markers and projections of guilt to construct situations that helped justify their violence against detainees. Čelebići detainees were used to produce propaganda, perhaps intended for the indoctrination of potential soldiers. Witnesses testified that camera crews were brought into the camp, and detainees were forced to tell on camera that they were Chetniks and that they had raped, tortured and murdered women and children (Mucić et al. 05.05.1997:2320, <http://www.un.org/icty/transe21/970505ED.htm> [Last accessed 30.05.2008]; Mucić et al. 04.08.1997:45, <http://www.un.org/icty/transe21/970804it.htm> [Last accessed 14.06.2008]). Similarly, in the absence of TV-crews, detainees were forced to say that they would rape Muslim women, upon which guards responded by beating them (Mucić et al. 16.07.1997:5134-5135, <http://www.un.org/icty/transe21/970716ED.htm> [Last accessed 30.05.2008]). Correspondingly, in the Serb run Keraterm camp Serbian guards accused the non-Serb detainees of having raped Serb women before they beat them (Kvočka et al. 29.08.2000:4291, <http://www.un.org/icty/transe30/000829ed.htm> [Last accessed 30.05.2008]). This practice suggests that the guards wanted to have a reason or motive to beat and subject detainees to violence – and when that reason did not exist, the guards simply created one. Note that for both Keraterm and Čelebići practices, the constructed legitimization for violent behavior dealt with sexual violence of women ‘belonging’ to the same ethnic group to that of the guards. The alleged violence against ‘their’ women was then used as a reason to beat the male detainees – the violence was a way to restore their ‘ethnic power’.

⁵³ <http://www.un.org/icty/transe1/960725ed.htm> (Last accessed 15.06.2008).

mutilation finalizes the de-masculinization process that started with forced nudity and having H lick Harambasic's bottom. Further, H's testimony included references to the power of orders and peer pressure in the military culture among the guards at Omarska. The young guard who first came in to gather 'two volunteers' was apparently terrified, his trembling indicates that he was acting against his own will on the orders or influence of his superiors or peers⁵⁴.

Bosnian Serbs Ranko Češić⁵⁵, Milan Simić⁵⁶ and Stevan Todorović⁵⁷ were also convicted by the ICTY for the sexual violence they inflicted upon male detainees on separate occasions during the course of the war. The character of the offenses (male genital beatings and forced fellatio) is comparable to the Harambasic-offense above (although less extreme) and to the offenses that Landzo were convicted for. The ordering of fellatio or genital beatings are in themselves manifestations of the perpetrators' masculine power contrasted with the homosexualized, humiliated, de-masculinized appearance of the victims. As the Harambasic-assault, the offenses of Češić, Simić and Todorović were committed in the public display of the perpetrators' own, laughing peers. Similarly, they might have been intended to bolster the masculine self-identity of the entire group of guards – or they functioned as a means for the perpetrators to demonstrate or establish their personal masculinity status vis-à-vis that of their peers.

Another version of 'the Competitor', is suggested by witnesses in the case against Bosniak Hazim Delić⁵⁸. Delić was convicted by the ICTY for repeatedly raping female detainees at the Čelebići camp, and several witnesses in the case against him testified that Delić used to boast about the number of women he had raped. One former guard stated that Delić said he would not stop until he had reached a 100, and that he was known around as the one 'who slept with 600 women' (*Mucić et al.*

⁵⁴ Bosnian Serb Duško Tadić was convicted and sentenced to 20 years imprisonment by the ICTY for willful killing, torture and for causing great suffering to non-Serb detainees in the Omarska, Keraterm and Trnopolje camps. One of the offenses the ICTY judgment covered was the assault against Harambasic, H and G. Although the above reproduction of this offense did not include the specific acts of Tadić, the ICTY found sufficient evidence in the numerous testimonies of witnesses that Tadić was present while it happened (Tadić Judgment 07.05.1997, para. 154).

⁵⁵ Češić Judgment 11.03.2004, <http://www.un.org/icty/cesic/trialc/judgement/index.htm> (Last accessed 15.06.2008).

⁵⁶ Todorović Judgment 31.07.2001 <http://www.un.org/icty/todorovic/judgement/index.htm> (Last accessed 19.06.2008).

⁵⁷ Simić Judgment 17.10.2002 <http://www.un.org/icty/msimic/trialc3/judgement/index.htm> (Last accessed 19.06.2008).

⁵⁸ Esad Landzo's Deputy Commander in Čelebići.

03.09.1997:6712)⁵⁹. Another witness, one of his rape victims, testified that he had ‘bragged that 60 Delić girls and boys will be born because that is how many women he raped’ (*Mucić et al.* 18.03.1997:584)⁶⁰. His bragging, primarily to other prison guards, implies that rape was used as an instrument to demonstrate personal masculine power before his peers – defined according to aggressive sexual ‘conquests’⁶¹.

The last illustrative example of ‘the Competitor’ identity I will present and analyze was provided in the *Kunarac et al.*-case. Bosnian Serb Dragoljub Kunarac, nicknamed ‘Zaga’ and born in 1960, was sentenced to 28 years of imprisonment for his numerous offences pertaining to his personal involvement in multiple rapes, including gang rapes (*Kunarac et al.* Judgment 22.02.2001, paras.593-745)⁶². ‘Witness 183’, a Bosnian Muslim woman, testified about her meeting with Kunarac and two of his peers before the ICTY. Her recount suggests that the gang rape she was a victim to, was constructed as a means through which her perpetrators competed to demonstrate their respective manhood and also to demonstrate their common ethnic superiority over the ethnic group to which Witness 183 belonged. Her testimony is quoted at length below, and the extracts comprise an exchange between Witness 183 (‘A’) and the Prosecution (‘Q’). As I have done previously, I will interrupt the reproduction as it proceeds with comments on statements that I believe are important. Immediately before the incidents that are described in this exchange, Kunarac and his peers had captured Witness 183 upon her attempt to escape from their custody.

A. [Zaga] said to me that I should undress, that he wanted to fuck me. He put my hand on his penis. He hadn't taken off his trousers yet. Later, he took off his trousers, and again he grabbed my hand and he wanted me to touch his penis. I did that. I trembled. He said that I had to enjoy what he was about to do and that I had to wriggle. When he saw that I was shaking, he said, ‘Why are you shaking, Bula⁶³? You are supposed to enjoy being fucked by a Serb’. I did that, I undressed.

⁵⁹ <http://www.un.org/icty/transe21/970903ED.htm> (Last accessed 30.05.2008).

⁶⁰ <http://www.un.org/icty/transe21/970318ED.htm> (Last accessed 30.05.2008).

⁶¹ A protected witness in the case against Delić, who served as a guard in Čelebići, responded the following way to allegations that he himself had raped one of the female detainees: ‘if I were to rape anyone, I would rape a 24 year old girl, not a woman of 60’ (*Mucić et al.* 04.09.1997:6873, <http://www.un.org/icty/transe21/970904ED.htm> [Last accessed 30.05.2008]). This witness did not deny his participation in a rape based on moral inhibitions, that is, because he considered the act of rape as wrong per se. Rather, his objection appears to be based on the figure of this particular alleged victim. His statement suggests that in his opinion, it would not be interesting to rape someone so old, that would not be appealing to him. On the contrary, it appears that raping a 24-year-old girl would conform to his idea of a ‘good’ rape. His testimony further suggests that rape was accepted behavior in the Bosnian run Čelebići camp.

⁶² <http://www.un.org/icty/kunarac/trialc2/judgement/index.htm> (Last accessed 14.05.2008).

⁶³ ‘Bališa’ and ‘Bula’ are derogatory terms for (Bosnian) Muslims (MacKinnon 1994:75).

Q. What then?

A. I undressed. He also undressed, he took off his clothes. A soldier took out a blanket out of the car. It was a few meters from the car, the blanket. Zaga ordered me to undress and lie down. I laid down, and then he put his penis into my vagina.

Q. What were you doing at the time?

A. At the time, I put my hands on my eyes. And he told me that I had to look a Serb in the eyes while he was fucking me (...)

The perpetrator forced the victim to take an active part in the sexual assault against her. By forcing his victim to look him in the eyes during the offense, Kunarac demonstrated his power even beyond the act of rape itself. He further established the rape in ethnic terms – she was raped because she was a Muslim and he manifested his masculinity by confirming it as Serbian. Kunarac referred to the rape as an ‘enjoyable fuck’. Next, the Prosecutor asked,

Q. Where were the other soldiers while you were being raped?

A. The other soldiers -- the other soldiers stood by the car and laughed. While Zaga was doing this, he was telling them to be patient, that their turn would come too (...).

The entire offense took place in the presence of other, laughing soldiers. Perhaps Kunarac’s statements were intended to demonstrate his personal masculine power before them. His statements suggest a competitive aspect among the perpetrating soldiers. As Kunarac told them to ‘be patient’, and ‘your time will come’ – he established verbally the precedence he attained over the others by being the first one to rape. Perhaps he also induced pressure on them to comply with this practice and follow up once he finished. Was the assault constructed as a competition between those soldiers, where the woman victim was reduced to the object upon which they competed to demonstrate a virile, powerful and Serb masculinity? Their laughing indicates that they found the assault ‘enjoyable’, and the rape was perhaps intended to bolster the masculine self-identity of the three of them together.

Q. What did he do when he was finished?

A. Zaga got up and said that it was the next one's turn. He wiped his penis and put on his clothes, his trousers, and walked towards the car.

Q. Did the next soldier take his turn?

A. Yes, the next soldier came. Just as he did, he undressed also, he took off his trousers. He made me do a blowjob on his penis a bit, and I was afraid. And he said that I should be pleased, that I should see how a Serb fucked better than a Muslim did.

As Kunarac finished the rape, the next soldier took over. The character of the ensuing rape substantiates the interpretation of the group-rape as a competition among the perpetrators. This time, Witness 183 had to perform fellatio on her rapist, thus forced to take an even more active part in the offense against her. Again the perpetrator referred to the rape as a ‘better fuck’ and to the ethnic identity of both himself and his victim. The rape was not only an attack on Witness 183, but on the entire ethnic group to which she belonged, including the Muslim masculine identity. The testimony continued,

Q. And after you were asked to perform fellatio, did he change the manner of sexual assault upon you?

A. Yes. I lay down. He put his penis into my vagina, and that's how he finished.

Q. What happened next?

A. The following happened: While this other one was doing what he was doing, he – Zaga was saying that I would have a son and that I would not know whose it was, but the most important thing was that it would be a Serb child. When this one finished, then the other one came (*Kunarac et al.* 22.05.2000:3680-3683)⁶⁴.

Witness 183 then described how the third soldier raped her in a similar manner (*ibid*). Kunarac’s comment while the second perpetrator raped Witness 183 suggests the rape had a political agenda in addition to the horror inflicted upon the rape victim by the rape itself, and besides the soldiers’ test of each others’ manhood and demonstrations thereof. The rape was intended (or presented as if it was intended) to spread the Serb population. The victim was thus not only reduced to an object of male competition but also as an incubator for a Serbian baby (boy). Did this intention serve as a genuine motivation or reason to rape from which some sort of rationality was constructed? Or were the perpetrators opportunists who raped with this agenda only as a political excuse? Whatever the answers to these questions are, Witness 183’s recount of the rapes suggests that constructs of ethnicity and masculinity overlapped, and produced an ethnic chauvinism according to which the perpetrators constructed the rapes as a manhood competition, and as ‘fucks’ Witness 183 should enjoy and that would result in a Serb baby.

The analysis of sexual war violence in this sub-chapter argues that the perpetrators of

⁶⁴ <http://www.un.org/icty/transe23/000522ed.htm> (Last accessed 14.05.2008).

these offenses *committed rape to demonstrate their own personal and/or ethnic masculinity or manhood vis-à-vis that of their peers and/or victims*. In the Kunarac offense the gravity of the rapes increased and the verbal assault grew more severe as the second rapist ‘took his turn’, strongly suggesting a competitive component between the perpetrators. Delić’s boasting about the rapes he had committed indicates a need to demonstrate his sexual masculinity powers before his peers. The comment of the perpetrating guards in the Hrambasic offense imply a construction of the assault as a justified revenge or preemptive strike – but it might also have been one of many comments the guards threw out during the offense in a verbal competition to come up with the most demeaning remarks. It is possible to speculate if sexual violence, when tolerated and even encouraged among guards and soldiers, as appears to have been the case in the preceding examples, creates a possibility to rape for opportunists who would not otherwise have raped because of social and/or legal sanctions. Also, the competitive aspect among peers perhaps creates a pressure that induces guards and soldiers in the group to perpetrate. Next, I will introduce ‘The Conformist’ perpetrator identity category, and explain why I constructed this category with reference to and analysis of examples from the data material.

4.3 The Conformist

‘The Conformist’ refers to the perpetrator who raped or sexually violated because his peers did it, or because he was not brave enough not to do it. It follows that the conformist does not want to stand out in the crowd. The interviews with Bosnian Serb Borislav Herak in Burns (1992) and Stiglmayer (1994b)⁶⁵ provide an example of how the Conformist can explain his participation in sexual war violence.

Herak was 21 years old when Bosnian Muslim forces on patrol arrested him and confined him in the military prison of Sarajevo in 1992. Herak told the investigators about his ‘gruesome experiences as a Serbian fighter’ almost immediately after they arrested him, including his participation in numerous rapes (Burns 1992). According to Herak, the commander of the women’s prison from which Herak and his peers took

⁶⁵ The interview reproduced in Stiglmayer (1994b) was conducted by George Rodrigue of the Dallas Morning News in January 1993. I have not succeeded in getting access to the original article, and will therefore refer to the interview as Stiglmayer reproduces it.

their rape victims, told them ‘You can do with the women what you like. You can take them away from here – we don't have enough food for them anyway – and don't bring them back’ (Burns 1992). Herak said that he understood the prison commander’s comment to mean that the women should be killed.

From the very start of his military career during the war, Herak was subjected to xenophobic propaganda about Muslims. His peers and superiors told him that Muslims raped little girls and threw babies and women to the lions in the Sarajevo Zoo, that his father had been killed and his house burned, and that because Muslims posed a threat to Serbs, Muslims should be cleansed out of the population (Stiglmeier 1994b:151; Burns 1992). When he committed his crimes, Herak already believed the propaganda he had been exposed to, and could probably justify his actions as punishment or revenge for the Muslims’ many atrocities. Comparably, Bosniak Esad Landzo, presented in previous analysis, also reported that he had been exposed to severe Croatian propaganda during his military training. According to Landzo, the propaganda was intended to intimidate him into participation in the armed forces against the Bosnian Serb forces.

In the interviews Herak repeatedly stated that he raped because his captain ordered him to. The purpose of the rapes was to increase ‘the morale of the fighters’ (Burns 1992; Stiglmeier 1994b:148). Herak’s repeated references to orders and that he had to obey them resemble Landzo’s testimony before the ICTY (Burns 1992; Stiglmeier 1994b:148). If he did not obey the orders, Herak said he would have to face the consequences: ‘they would have sent [him] to the worst frontline’, arrested him or taken away from him the Muslim house his superiors had given him (Stiglmeier 1994b:148-50). Herak did not explain why or how these proposed consequences amounted to a sufficient incentive for him to rape. However, Herak also said that he raped because they were several soldiers who raped the victims at the same time. He said he felt guilty about what he was part of, but that he ‘did not want to say anything or to show it to the others’ (Stiglmeier 1994b:150). His statement indicates peer pressure, loyalty to his group or at least an urge not to challenge group conformity. Thus, Herak’s motivation was to conform to the group, whereas Landzo’s motivation was to confirm to his ideal of a perfect soldier.

All in all, Herak's story is one about group pressure, orders, alleged threats and propaganda. However, it also raises questions: Why did he rape and kill, when he was told to do with the women whatever he wanted, only not to bring them back? Why did he not let them go? Herak implied that he would not have raped if he had been alone. If he had not had his peers around him, people to whom he did not want to disclose his feeling of guilt. Thus, it was not perhaps primarily his worries about losing the house his superiors had given him that motivated him to rape and later kill, but his fear of how his peers would react to his disloyalty if he refused to rape or opposed the rapes altogether.

In relation to the examination of what I have referred to as the Kunarac-offense above, I asked if the competitive aspect of group rape creates a form of peer pressure that induces soldiers to participate in sexual violence. Although Herak never spoke of a competitive aspect, it appears that peer pressure of group loyalty and conformity – even if not directly expressed by the group as such – was a driving factor for his participation in rape. Although Herak rejected that the rapes increased the morale of the fighters, the rapes may have served the purpose of building or reinforcing the group identity of the perpetrators, and thereby also increased the loyalty to the group.

Bosnian Serb Stevan Todorović was 34 years old and chief of police in his municipality when he in 1992 forced Bosnian Muslim male civilians to perform fellatio upon each other in the presence of several other guards and prisoners (*Simić et al.* 30.09.1998:214⁶⁶; *Todorović* Judgment 31.07.2001, para. 9)⁶⁷. He pleaded guilty to these and other offences, and was sentenced to ten years imprisonment by the ICTY. An extract from his guilty plea statement was reproduced previously as a reminder of the war context in which the perpetrations addressed in the present study were committed. In this extract, Todorović stated:

I made erroneous decisions and I committed erroneous acts. At the time, I didn't have sufficient courage or determination to prevent volunteers and local criminals from committing evil (...) (*Todorović* 04.05.2001:59-60)⁶⁸.

⁶⁶ <http://www.un.org/icty/transe9/980930ia.htm> (Last accessed 15.06.2008).

⁶⁷ Todorović was initially prosecuted with several others in the *Simić et al.* - case – but upon the guilty plea agreement between him and the Prosecution, his case was separated from the others.

⁶⁸ Note how Todorović, in his presentation of events, considered his own actions 'erroneous acts' (including beating a man to

Similarly, Croat Miroslav Bralo, whose participation in sexual war violence was analyzed in chapter 4.1, said in his guilty plea statement

I was not brave enough to recognize what I had become, I was not brave enough to speak out for people whose lives should have been saved. At that time that would have been the heroic act (*Bralo* 07.10.2005:5).

Todorović's and Bralo's references to lack of courage and bravery in their statements above imply, as did the interviews with Herak, that there is a powerful pressure upon soldiers and others who participate in armed forces to conform with the practices and expectations of the group, even when these do not involve the morally right things to do. Thus, the Conformist identity is suggested in several cases in the empirical material, and is best illustrated in the example offered by the interviews with Herak.

4.4 The Opportunist

The fourth category of perpetrator identities pertains to different variants of 'The Opportunist' perpetrator of sexual violence that emerged from the analysis of the ICTY transcripts and of the interviews in the literature. The perpetrators to which this category refers, appears to have raped or sexually perpetrated because they had the opportunity to do so. War offers an environment in which atrocities are committed on a daily basis, and most crimes are committed with impunity. Prior to the war in BiH, sexual war violence was not prosecuted in international war tribunals, and was not specified as a crime in international criminal law. Thus, following the breakdown of national legal systems and given the tolerance for sexual violence in the military institutions – as the examples in the preceding analysis strongly signal – it appears that some perpetrators raped because they could. They had easy access to victims in the detainees at the detention facilities or camps at which they served as guards or the equivalent, and they could – based on historical evidence – expect not to be prosecuted for their perpetrations. However, 'the Opportunist' might still have different reasons for wanting to rape or sexually violate – and in the empirical material I found two such reasons: frustration and lust.

An example of the former was provided by 'Witness 95', who testified in the *Kunarac*

death, beating several others and sexual torture of a number of civilians), and referred to the actions of others as 'evil'.

et al.-case. She said that the Serb soldiers who came to take out girls for the purpose of rape from the women's prison where she was detained, had certificates on which 'it was written that they needed sex to have better morale for the battlefield' (*Kunarac et al.* 25.04.2000:2219)⁶⁹. She further stated that these Serb soldiers would 'rape in their own way. It wasn't sex with pleasure, it was with fury. They were taking it out on us' (ibid:2222). Her testimony suggests that the soldiers were using the opportunity given to them by some superior decree to take the anger, desperation and frustration they experienced at the battlefield out on the girls. Perhaps they somehow felt they reclaimed the power they had lost in battle through the rapes. Because the soldiers were 'licensed' to rape, they could do so without fear of retribution. The certificate may also serve the purpose of relocating the soldiers' sense of responsibility for their actions to the higher level of the one(s) who produced the certificate. In any circumstance, the certificate offered them an opportunity to rape.

The data material offers several examples of what appears to have been lust-induced rapes. At one point in the interview with Herak that was reproduced in Stiglmeier (1994b:154), Herak admitted after pressure that 'a little part' of him enjoyed the chance he had to rape and kill women. However, the question still remains if he would have raped if he had been alone with the victims. The following examples refer to war rapes where the perpetrators were alone with the victims, and therefore not submitted to direct peer pressure.

Bosnian Serb Mlado Radić was 40 years old, married with three children, and a professional policeman when he was appointed a guard shift leader in the Serb run Omarska camp in 1992. According to the ICTY judgment, Radić raped a female detainee, attempted to rape another and participated in sexual intimidation, harassment, and assaults against three other detainees. For these, and other offenses, the ICTY sentenced Radić to 20 years imprisonment (*Kvočka et al.* Judgment 02.11.2001, paras. 509-510; 546-561; 745)⁷⁰. Prior to one of the attempted rapes for which he was convicted, the victim, 'Witness J', testified that Radić said he knew

⁶⁹ <http://www.un.org/icty/transe23/000425ed.htm> (Last accessed 30.05.2008).

⁷⁰ <http://www.un.org/icty/kvočka/trialc/judgement/index.htm> (Last accessed 30.05.2008).

some high-ranking officials who could get her out, and that he could therefore help her. But if he was going to help her, she should pay him with ‘sexual intercourse’ (*Kvočka et al* 05.09.2000:4758; 4777)⁷¹. However, as Witness J refused and pleaded with him to let her go, he pushed her against the wall and tried to rape her. When Witness J said she was menstruating in a desperate attempt to get away, he said that ‘that was what each one of us told him’ (ibid:4777). According to Witness J’s reproduction of the events for which he was convicted, Radić used his position in the camp to try to pressure a desperate individual into having sex with him. Did he first try to ‘give legitimacy’ to his acts through offering a favor in return? When Witness J refused to have sex with him, did he think that she deserved to be assaulted? It appears that Radić considered himself ‘entitled’ to rape Witness J because he had offered her ‘a favor’ in return. In any case, the circumstances offered Radić with what he perceived as an opportunity to rape.

Bosnian Serb Dragoljub Kunarac, who was presented in the Competitor category, was convicted, *inter alia*, for raping ‘DB’. DB admitted that she took an active part in the rape, but that she did so out of fear for her life. In Kunarac’s presence another soldier had ordered her in a threatening way to please Kunarac any way she could. Kunarac claimed that he had never heard the other soldier’s orders to DB, and claimed in his testimony before the ICTY that he was surprised by DB’s initiative, confused and ultimately seduced by her efforts to please him. ‘As a man’ he accepted her behavior, and they had what he referred to as ‘sexual intercourse’ (*Kunarac et al.* 06.07.2000:4541-3)⁷². The ICTY rejected the testimony of Kunarac and considered it highly improbable that he had been confused by DB’s behavior. The ICTY further found it irrelevant whether Kunarac had heard the order DB was given or not, because Kunarac knew that she was held in captivity and that she had previously been raped by other soldiers at that location (*Kunarac et al.* Judgment 22.02.2001, para. 646). Thus, it appears that Kunarac raped this girl because he had the opportunity to do so. The fact that DB touched him and tried to please him did not make the ‘sexual intercourse’ that followed any less of a rape.

⁷¹ <http://www.un.org/icty/transe30/000905ed.htm> (Last accessed 30.05.2008).

⁷² <http://www.un.org/icty/transe23/000706ed.htm> (Last accessed 30.05.2008).

Although I argue that the above rapes provide examples of what I refer to as lust-induced opportunist rapes, it is a striking feature of all the cases in this category that the perpetrator before the actual rape constructed a kind of rationale from the situation for the rapes they were about to commit⁷³. As emphasized at the outset of the analysis, and suggested in the examples of the preceding analysis of perpetrator identity categories, each perpetrator may ‘fit’ into several perpetrator identities, and may draw on different ones for different rapes. Thus, Kunarac appears to have raped some of his victims for competitive reasons, and others, such as DB above, because he wanted to and had the opportunity – without the rape itself serving as a manifestation of power beyond the obvious power demonstration it was before the victim.

At first sight the opportunist identity category may appear as supportive of the abnormal psychopath theory of war perpetrators of sexual violence. However, the social constructivist argument pertaining to this category of perpetrator identities is: the ability of an individual soldier perpetrator to perceive any situation during the war as an opportunity to rape, is a socially constructed ability constructed within a very specific environment and military culture, where misogynist and xenophobic attitudes counter the individual’s moral inhibitions that would normally prevent him from raping. Thus, although the perpetrators in this category raped because they had the opportunity to do so, their ability to perceive a situation as an opportunity to rape, and a woman, girl, man or boy as a potential victim, was constructed during the course of the war – and was not a constant and inherent characteristic of those individuals. Notably, none of the perpetrators had a history of raping prior to the war.

The next category of perpetrator identities that can contribute to the understanding of what it is that makes soldiers rape in war, is in many respects the opposite of ‘the Opportunist’.

⁷³ Except from the examples provided below, the cases of Bosnian Serbs Zoran Vuković (Kunarac et al. Judgment 22.02.2001), Radomir Kovač (ibid) and Dragan Zelenovic (Zelenovic Judgment 04.04.2007, <http://www.un.org/icty/zelenovic/trialc/judgement/zel-sj070404-e.pdf> [Last accessed 20.06.2008]), and also Bosniak Hazim Delić (Mucić et al. 03.04.1997:1777-9, <http://www.un.org/icty/transe21/970403ed.htm> [Last accessed 20.06.2008]) who is presented as a competitor in the analysis above, provide examples of perpetrators of sexual war violence that appear to have raped because they could and out of lust. Zelenovic, who was convicted for several rapes and gang-rapes, was the only one who submitted a guilty plea, and in it he stated ‘I am a human being with virtues and vices, and I didn’t know how to deal with these vices when I should have (...) I will courageously take any sentence meted out’ (Zelenovic 23.02.2007:6, <http://www.un.org/icty/transe23-2/070223IT.htm> [Last accessed 15.05.2008]). Upon sentencing, however, he appealed. The appeal was later rejected.

4.5 The Survivor

According to the empirical material, many soldier perpetrators of sexual war violence were ordered to rape or sexually violate their victims. The orders were often followed by direct or implicit threats of various gravities. The fifth and last category, ‘The Survivor’ perpetrator identity category, applies to the perpetrators who raped or sexually violated because they believed their superiors or peers would kill them if they did not comply with their orders or pressure⁷⁴. An analysis of the interviews with Bosnian Serbs Slobodan Panić and Cvijetin Maksimović in Stiglmayer (1994b) best exemplifies this perpetrator identity⁷⁵. Their accounts involve direct threats, fear, and initial resistance to orders, as well as references to ethnic masculinity and violent ethnicity constructs. Panić and Maksimović were in their early twenties when Serb forces forcibly mobilized them to serve as guards in the Luka camp. They had no prior military training. In the Luka camp they both committed several rapes.

Parts of Maksimović’s narrative are worth quoting at length. To illustrate the environment in which the rapes were committed, I include his recount of the perpetrations he was forced to commit immediately before the sexual violence. As I have done before, I will interrupt the reproduction as it proceeds with comments on statements that I believe are important.

[On the day of the rapes, some soldiers] came to get me to butcher three men. They led them outside and gave me a knife. I said I’d never done anything like that, and I couldn’t do it. I said up until then I hadn’t even butchered a calf, let alone people. Then this Dino, I think it was Dino, he took my hand and put the knife into it and said, ‘Then I’ll show you how you butcher’, and then we did it together. Three other guys held the man down. He was about forty years old and not too tall. I looked at him while I was killing him. It was very hard for me to do it, I was afraid because of all the soldiers who were watching, and I was unhappy to have to do it. The soldiers were laughing and talking together. I don’t know what they said; I was completely... I felt terrible. Then they cursed my mother and my father: ‘What kind of a Serb are you anyway? We traveled four or five hundred kilometers to fight here in Bosnia, and

⁷⁴ At times, it has been difficult to decide if the evidence refers to peer pressure or orders. However, when life threats are involved there is probably no practical difference between orders and peer pressure as far as the potential perpetrator submitted to these efforts is concerned. For ‘the Survivor’ narrative the distinction between orders and peer pressure is therefore purposefully vague. For the record, according to the *Concise Oxford English Dictionary* ‘orders’ are given by superiors or authorities, whereas ‘peer pressure’ refers to influence from soldiers or others of similar status as the one who is submitted to the influence (Soanes & Stevenson 2006: 1006, 1056).

⁷⁵ Other examples are provided by Esad Landzo and Borislav Herak, and are evidenced in the preceding analysis. Landzo testified that he carried out his orders out of fear, and that he would be executed if he did not comply with the orders. His Defense counsel even went as far as to claim that ‘[t]he true victim of the aggression in this case is Esad Landzo’ (Mucić et al. 31.08.1998:15536). Borislav Herak told in an interview that he raped because he was ordered to, and that if he did not follow the orders, he would risk being sent to the worst frontlines (or he would be arrested or his superiors would take away the house they had given him).

you're not even a real Serb!'

Then I had to kill [two others]. They said, 'If you don't butcher them, we'll butcher you'. I never thought I would do such a thing. (....). I killed them; they died quickly. The other soldiers said I wasn't a real Chetnik, not a real butcher. 'Let's go get eighty of them so we can see if he can at least kill them with a gun' (Stiglmayer 1994b:156).

Maksimović then shot 80 prisoners with a machine gun. He acted as he did out of fear for his life, whilst other soldiers were laughing at him and what he was doing. Then they humiliated him, and told him he was not a real Serb. The soldiers told him they would kill him if he did not kill the detainees. The preceding pages offered several implications that war crimes were constructed as 'preemptive strikes' or were preceded by the construction of a 'justified revenge'. Here, the Serb soldiers did not resort to any kind of victimization or potential victimization of Serbs or Bosnian Serbs that could justify their actions. On the contrary, they constructed a macho, violent ethnic ideal of what constituted a real Serb. Accordingly, the butchering and violence was part of what it was to be a Serb. Violence was a virtue: if you could not butcher someone properly, you weren't worthy, you weren't a real Serb. Maksimović continued his account:

They said I wasn't a real Chetnik and now I would have to prove to them if I was a real man. (...) They said, 'Here are twelve broads for you'. The women were already there when I got there, and five or six soldiers came in too. I was supposed to rape the women. Some of them were young and some were older... from twelve to maybe twenty-four years old. I figure they were Croats and Muslims. And they stripped a girl naked... she looked completely scared and lost. She was maybe fourteen, fifteen years old. She was blond, not too tall and a little chubby. She was afraid and didn't say a word; three of them held her down. All the women were afraid. The soldiers told me I should rape her, and the others too... that I could go ahead and have her. I was supposed to get undressed and lie down on her, and like that.... But I was afraid, and I didn't have an erection. They egged me on, and I had to take down my pants and lie down on top of her. I don't know how it managed to work, I had absolutely no feeling for what I was doing... and then I did get an erection, but I didn't feel anything. I didn't come; I was afraid and tired. It took a very short time. The soldiers said 'You guys aren't real Serbs at all; but don't worry, we'll show you how it's done' (Stiglmayer 1994b:156-157).

The soldiers challenged both Maksimović's ethnic and masculine identity. It appears that what constitutes a 'real Serb' is not distinctly separated from what it takes to be a 'real man': ethnicity is masculinized, or masculinity ethnicized. In the end, upon Maksimović's failure to comply with the Serb soldiers' masculinity ideal, they concluded that he was not a real Serb – he could not be – because he had proven he was not a real man. The perpetrations persisted:

They cursed our mothers 'cause I hadn't turned into a real man and said what a disgrace it was that they'd come from so far off just to fight for us. Then I was also supposed to strip and rape the women who were left over, catch them.... They showed me how you do it, how you grab a woman by her breast and take hold of her sex, and they told me that I was free to rape them. I didn't feel anything at all, I wasn't excited at all, but I had to lie down on them and take hold of them. They were naked; the other guys had stripped them. The Chetniks were doing a lot of yelling, making animal noises, whistling: 'Oh looky there, that's supposed to be a man! That's no man, that's a sissy'. And they were bragging how they raped the women themselves, how much fun they had with these twelve women the day before. At the end they said they'd forgive me this time, but not next time. And then they let me go (Stiglmeier 1994b:157).

Repeatedly, the soldiers stated that Maksimović's performance – or his failure to perform as a real Serb and man – was evidence that the Bosnian Serbs did not deserve the protection of 'real Serbs.' Their continued challenging of Maksimović's masculinity exerted sufficient pressure upon him for him to comply with their instructions. The statement 'I was also supposed to strip and rape the women who were *left over*' (emphasis added) suggests that the women victims were objectified, itemized.

As the soldiers told Maksimović that he 'was free to rape them', it is not clear if their comment was an order, or if the threat they initially posed was still valid. It is also possible that this had a rhetorical aspect, intended to make Maksimović understand that he was a co-perpetrator, not a victim – which would reduce the chance that Maksimović would report what had taken place to outside authorities once he had the opportunity. Maksimović believed that the Luka camp soldiers' purpose of forcing them to rape and kill detainees was to teach them how to hate (ibid: 158) ⁷⁶. Thus, it appears that rather than ethnic hatred being the motivation for the sexual perpetrations, ethnic hatred was the anticipated and wanted effect of rape upon the perpetrator.

Slobodan Panić's account is very similar to that of Maksimović. On his first day at Luka, a big, heavy soldier in camouflage uniform gathered two detained girls and told Panić to rape them. Panić replied that he could not do it, upon which the soldier said 'Go on, do it, or would you rather be killed?' (Stiglmeier 1994b:158). Panić understood that the soldier was serious about his threat, and continued his recount in

⁷⁶ The transcripts of the court proceedings in the Kunarac et al.-case offer a witness testimony by a rape victim that involves another reference to peer pressure similar to the examples provided by Maksimović and Panić. After being raped by six soldiers, they threw onto her a 15 or 16 year old unwilling boy and told him to rape her (Kunarac et al. 02.05.2000:2680-2681, <http://www.un.org/icty/transe23/000502ed.htm> [Last accessed 14.06.2008]).

the interview:

so I had to go ahead and do it. About ten other soldiers were standing around watching. I think they were from Serbia, because of the dialect they were speaking. I didn't have an erection, nothing at all, only a little.... These two girls were somewhere between fifteen and twenty-two years old. One of them had brown hair, the other black. They had clothes on, and they had bruises on their faces like someone had hit them. The other guys pushed them down on the ground and held their arms down. And I pulled up their skirts, but they didn't have anything on underneath, no underwear, and I had to rape them. It was just like that, more or less for appearance sake... How can I say this? I didn't feel anything while I was doing it, it was only a little, each one a little bit, I didn't come. The other guys were laughing the whole time and shouting out dumb things, 'Hey, looky there, go to it', and things like that, but I wasn't really listening closely. The girls were crying the whole time (ibid:158-159).

According to Panić, he raped these girls out of fear for his own life. He had only a little erection and raped each one 'only a little bit'. It appears that he had trouble explaining to the reporter how he was able to do it, physically, and he emphasized that he did not ejaculate. The presence, laughing and shouting of the other soldiers suggest that Panić experienced pressure from the group to concur with the order in addition to the open threat he was faced with.

After he had raped the two girls 'a little', Panić said that he could not do it anymore. The heavy guard ordered the other soldiers to bring in some other girls, shouting 'Maybe he'll like them better'. The three new girls looked like they had already been raped and beaten. As one of them resisted, a guard hit her in the face. Again, Panić raped them, and in his words, '[e]ach one only took a very short time; I didn't come. I wasn't in any one of them for more than a minute, and it didn't excite me at all. The whole thing took maybe fifteen minutes' (Stiglmeier 1994b:159). When Panić said that he *could not* do it anymore, the soldiers brought in three other girls that 'he might like better' – suggesting that his lacking ability to rape was not attributed to his manhood or lack thereof, but had rather to do with the appearance of the girls. That way, the soldiers gave him another opportunity to save his masculine 'face' and by that, also his life. Again, Panić stressed that he was not excited and that he did not come – which suggests that he tried to convince the reporter he did not want to do this.

After only a few days of service in the Luka camp Maksimović and Panić fled together. They were afraid of having to kill and rape more people, and afraid for their lives (Stiglmeier 1994b:157). Croatian forces arrested them shortly thereafter.

A Parallel

In the Serb run Omarska camp male detainees were forced to rape female prisoners. The extract from the *Tadić*-transcripts below provides an example of such an offense. The reproduction is in the words of a witness to the assault.

[O]n the table put in the corridor rape was prepared of a young girl, and she was being raped by (...) Mehmedalija Sarajlić, an engineer, a Muslim, a respected citizen, a man of my age. They stripped her naked, that girl. They stripped him, forced him to undress, beat him. They wanted him to rape her and he was begging, imploring, saying, 'She could be my child'. I am really sorry for the coarse language, but then said to try to do it with a finger. He did that and it hurt her. She was screaming. He then gave it up completely. They beat him. He had a weak heart. In the morning (...), I saw Mehmedalija Sarajlić's body (*Tadić* 23.05.1996:1281)⁷⁷.

In contrast to Maksimović's and Panić's experiences, Mr. Sarajlić's masculinity was not challenged because he could not rape, but *because* he raped. When he, terrified and under threat, raped the girl with his finger, he failed to live up to masculine ideal constituents of courage and abilities to protect⁷⁸. I include this offense to challenge the universality of a rigid perpetrator-victim divide when the perpetrator commits the offense because he is faced with what he perceives to be a credible threat on his life. Perhaps Maksimović and Panić were as much victims as were Mr. Sarajlić and the other prisoners who were forced to rape or sexually violate each other. Maksimović and Panić were forcibly mobilized to serve as guards in the Luka camp, and their accounts are characterized by references to orders, threats and fear for their survival. Similarly prisoners were forced to rape or perform sexual violence on other detainees under orders and accompanied with threats to their lives. Some of them survived and could tell their stories (e.g., Mr. Dordic in the Landzo-case). Others, such as Mr. Sarajlić, were killed. Maksimović and Panić found an exit option in their escape. If they did not escape, would they have been killed if they objected and refused to rape

⁷⁷ <http://www.un.org/icty/transe1/960523IT.htm> (Last accessed 14.06.2008).

⁷⁸ In fn 53, sub-chapter 4.2, I argued that when detainees in Čelebići and Keraterm were forced to say they were going to rape or had raped Muslim and Serb women respectively, that challenged the guards' ethnic identity and power, and served as an impetus to reclaim or manifest that ethnic power. I did not include in the analysis that this practice and construction of motivation also had a masculine component. To be masculine means to be powerful – and involve both the power to attack and the power to protect. Here, in their construction of a reason to attack the prisoners, the guards constructed the violence they were about to commit as a preventive defense of 'their' women – and by that a demonstration of their power to protect. Alternatively and more intricately, the violence was constructed as a legitimate way to restore their masculine powers that had been challenged as they had already failed to protect 'their women'. Another, comparable incident demonstrated heterosexism's power among the soldiers in Čelebići: The detainees were forced to repeat different statements after a guard. At one point, the guard made the detainees say that another guard was a homosexual – upon which that guard responded 'I will fuck your Chetnik mothers' and the detainees were beaten and mistreated (Mucić et al. 13.10.1997, no page indication in the transcript for this day, <http://www.un.org/icty/transe21/971013ed.htm> [Last accessed 30.05.2008]).

and kill? There is no way of really knowing. Similarly, there is no way of knowing if the detainees that were forced to rape or sexually violate each other and survived the camps, would have been killed if they did not comply⁷⁹.

4.6 Summary

In the preceding pages, I constructed, presented and analyzed five categories of perpetrator identities: the Soldier Idealist, the Competitor, the Conformist, the Opportunist and the Survivor. Each category refers to common aspects in the perpetrators' motivations or reasons for their participation in sexual war violence as they appeared in the perpetrators' statements in interviews or in the ICTY transcripts, or as suggested by the surrounding material. The categories and the perpetrator identities they construct and refer to, overlap: each perpetrator may use several explanations for his participation in sexual war violence – and thereby put himself in several categories of core perpetrator identities.

The systematic recurrence of categorized explanations and perpetrator identities, and the specific combinations and meanings of ethnicity, masculinity and sexuality constructs in the perpetrators', witnesses' and victims' recounts and explanations of sexual war violence, suggest the existence of five 'perpetrator discourses' according to which the sexual perpetrations take on different meanings and have differing motivations. The 'Survivor', 'Conformist' and 'Soldier Idealist' categories – or discourses – are primarily based on perpetrators' own statements and guilty pleas. To what extent these are, in fact, real 'explanatory discourses', or retrospective 'legitimizing discourses' is hard to decide, and they are probably a bit of both. As for the 'Opportunist' and 'Competitor' categories/discourses, they differ from the other three in that they are primarily based on victims' and witnesses' explanations and recounts. In that sense, these categories or discourses predominantly reflect outsiders' understandings of the perpetrators' motivations. However, this does not necessarily

⁷⁹ Other perpetrators of sexual violence who held that they followed orders because they were afraid, were Borislav Herak and Esad Landzo. Herak commented that he would risk being sent to the worst frontlines if he did not follow the orders to rape, Landzo believed he would be executed. Accordingly, the Landzo Defense even stated that '[t]he true victim of the aggression in this case is Esad Landzo' (Mucić et al. 31.08.1998:15536). However, as the preceding analysis has showed, Herak admitted that a part of him enjoyed the opportunity to rape – and the judges in the Landzo-case concluded that Landzo found some 'perverse pleasure' in the sexual violence he inflicted upon detainees in the Čelebići camp.

mean that the associated perpetrators and their actual motivations for participation in sexual war violence and rape are not reflected in these discourses. It is perfectly probable that they did not consider disclosing their adherence to these discourses or perpetrator identities before the ICTY as a smart strategic move, as the discourses would be less advantageous for them in potential sentencing hearings⁸⁰.

During the examination of the empirical material I took note of many more aspects than those specifically presented in the thematic empirical analysis above. In particular I noted the prevalence of convictions in the ICTY on charges of sexual perpetrations against male victims. Most of the perpetrators were also older than I suspected⁸¹. Five of the perpetrators had backgrounds that in some respects deviated from the 'norm' the majority constructed: Miroslav Bralo was released from prison on the condition that he participated in the HVO forces; according to the Prosecution in the case against Ranko Češić, he had a reputation of violent behavior prior to the war (this was not confirmed by the ICTY); Esad Landzo was particularly young and his mental condition at the time he committed his crimes was accounted for when the ICTY decided on his sentence; and Borislav Herak had a history of drinking problems. Except from that, all perpetrators (or individuals convicted as -) analyzed in this study appear to have had if not harmonious backgrounds and adolescences, at least average ones. To the extent this information was made available in the transcripts, judgments and interviews, all perpetrators had normal and friendly relations with people, family, friends, and neighbors of the other ethnic groups prior to the war. The only one who stood out in this regard was Dusko Tadić. Prior to the war most of his friends had been Croats or Bosnian Muslims (*Tadić* 25.10.1996:7787-7788)⁸². However, several witnesses testified that as the war approached, Tadić grew more and more nationalistic and the café he ran began to be a gathering place for Serbs that song Chetnik songs with lyrics amounting to 'we are going to kill all of the balijas, fuck the balijas' mother' (*Tadić* Judgment 07.05.1997, paras. 182-183). However, it was not Tadić's specific, personal

⁸⁰ 'I raped because I could and wanted to' would probably lead to a longer sentence than 'I raped because I was threatened on my life to do it'.

⁸¹ To the extent that such numbers are interesting: the average age of the 16 perpetrators whose cases or interviews I examined at the time they perpetrated the sexual violence, was 29 years. Landzo was the youngest at 19, and Radić the oldest, at 40 years. Most of them were in their late twenties.

⁸² <http://www.un.org/icty/transe1/961025ED.htm> (Last accessed 15.06.2008).

participation in sexual violence that was subjected to scrutiny in the preceding analysis, but the character of one of the offenses which the ICTY established he witnessed (the sexual torture of Harambasic, G and H).

Finally, the analysis also posed new questions, one of them very basic: ‘What defines a perpetrator?’ I will not engage in an examination of possible answers to this question, but simply state that the apparent universal perpetrator/victim divide seems to be challenged when soldiers rape on orders, are terrified and believe they will be killed if they do not comply.

In sum, the analysis of the empirical material from the ICTY transcripts and the interviews suggests that in the extreme social environment that war creates in general, and in which soldiers commit sexual war violence in particular, average soldiers do not become perpetrators of sexual violence because they are predisposed to engage in such crimes. Rather, war-specific social processes enable them or force them to do what they would neither do nor consider doing otherwise. The five categories of perpetrator identities or discourses refer to five different core explanations over which all identified explanations in the data material varied: The Soldier Idealist raped or sexually violated because he believed it was a means to achieve his ideal of a perfect soldier; the Competitor raped or sexually violated because of the strong masculine competitive environment that war created in general and that male military camaraderie was characterized with in particular – for him it appears that rape was a way to *do* masculinity; the Conformist raped or sexually violated because his peers did, and because he did not have the courage to refuse to participate or prevent it from happening; the Opportunist raped or sexually violated because the misogynist and xenophobic prevailing attitudes made him consider rape or sexual violence as a desirable opportunity; and the Survivor raped because his life depended on it.

In chapter five below, I examine how well the empirical data just presented resonates with the argumentation pertaining to perpetrators’ reasons for participating in sexual war violence offered by the scholarly literature on this theme.

CHAPTER FIVE

DISCUSSION

The preceding analysis of perpetrator identities and explanations as presented by and appearing in the empirical material suggests five different perpetrator identities emerging from the ways in which the perpetrators rationalized, explained and perhaps legitimized their actions. Further, the examination of the empirical material suggests that the key concepts introduced and defined in chapter 2.4 took on significant importance in the construction of perpetrator identities. Ethnicity, masculinity and sexuality recurred in and across the examined cases, and came into play as important meaning-bearing constructs throughout. The meaning, prevalence and emphasis of each concept in every case varied – however, they appeared to have a bearing in all the explanations, and thus constitute important categories of meaning – defined earlier as central beliefs, attitudes and social processes occurring in and around the phenomenon and contributing in the phenomenon's construction (see Marshall & Rossman 1999:33). The analysis also emphasizes orders, obedience, threats and peer pressure as decisive social processes that allow or compel misogynist, xenophobic and heterosexist attitudes to be materialized in sexually violent perpetrations.

In this chapter I will see how well the five perpetrator identity constructs concur and/or differ with the literature on sexual war violence in general. Corresponding to the empirical analysis, I have found that the literature on sexual war violence single out *xenophobic*, *misogynist* and *heterosexist* attitudes that prevail in the military or armed groups when it explains perpetrators' engagement in sexual war violence (see, *inter alia*, Brownmiller 1975; Hague 1997; Henry *et al.* 2004; Price 2001; Seifert 1994; Tillner 2000; Zarkov 2007). However, this literature to a large extent neglects the social processes that preceded the sexual perpetrations. Thus, I will confer with alternative literature on these matters in the second sub-chapter.

5.1 Masculinity, Sexuality, Ethnicity

At the outset of this thesis I commented on the lack of focus on male victims of sexual violence in the BiH war in academic writings. The preceding analysis of the empirical material brought sexual violence directed against male victims to the fore several

times. I have argued that the purpose of such perpetrations is to *homosexualize* and thereby *de-masculinize* the victim, and that the perpetrator by that also demonstrates his conversely proportional masculine power. As stated in an initial chapter of this thesis, dominant masculinity ideals are generally constructed as bearers of heterosexual power. When men are subjected to sexual violence and forced to perform same-sex acts, they are associated with homosexuality and are thus deprived of their masculinity.

In comparison, and to the extent that the literature includes sexual war violence directed against men in the analysis, it suggests that the purpose is to *feminize* the victim (see Goldstein 2001:357; Hague 1997:55; Houge 2007; Zarkov 2001). According to the traditional understanding of masculinity and femininity, these two identity concepts are oppositional – one cannot be both masculine and feminine. Generally, femininities are subordinate and subjugated to masculine powers. Thus, when a man is subjected to sexual violence he is also subjugated to masculine powers, and thereby feminized. Accordingly, the process of *feminizing the victim*, and the corresponding *masculinization of perpetrators* do not presuppose female victims. As Allen (1996:28) insists,

attributes of masculinity always adhere to the perpetrator, whether that person is male or female, precisely because of that person's dominance over another person or group of persons (...). By the same token, attributes of femininity always adhere to the victim, whether male or female, precisely because of that person's subjugation to another person or group of persons.

At first sight it might appear as if the literature and my empirical analysis diverge because of the respective emphasis on feminization and homosexualization processes as important attributes of and contributing factors for sexual violence against male victims. However, I argue that what matters is not so much what identity the victim is associated with through the sexual violence – that is, whether the victim is homosexualized or feminized. The victim is probably associated with both. What matters most, is what identity the perpetrator demonstrates through the sexual violence and which the victim is *deprived* of: masculinity. By definition, masculinity involves the possession of power. Thus, the victim is also deprived of power.

Ethnic Masculinity

Whether the victim is female or male, the sexual violence serves as a demonstration of the perpetrators' masculine powers before the victim, and before potential witnesses. I argued in the analysis above that Hazim Delić raped female detainees in Čelebići to demonstrate his personal masculine powers before his peers. I also argued that the public display of many offenses challenged and humiliated the masculinity of the male prisoners who were forced to watch, as they were unable to object or defend the victims – be they male or female. Although Seifert (1994:59) restricts her analysis to sexual violence against female victims, her argument that war rape is an element of male communication as 'it communicates from man to man (...) that the men around the women in question are not able to protect "their women" [and are] thus wounded in their masculinity' applies. According to her argument, wartime rape is an attack on the enemy male population and not primarily on the women directly victimized: 'At heart is the outcome for the men, not the suffering of the women' (Seifert 1994:59). Similarly, I have stated that sexual violence against male and female victims was an attack on the masculinity of the entire enemy population, and not only an attack on the direct victims. In the BiH war, the 'enemy population' was defined according to ethnic boundaries, and the sexual violence served as a symbolic de-masculinization of the entire ethnic group to which the victim belonged. Thus, in most cases examined I also emphasized that the rapes and sexual violence had an ethnic component: Victims were targeted not only as men and women, but also as the ethnically defined enemy. Men and women were subjected to sexual violence not only to de-masculinize them as individuals, but also to de-masculinize the entire ethnic group to which they belonged. Perpetrators sexually violated not only to demonstrate their own manhood but also to demonstrate the masculine powers of their ethnic group.

Accordingly, most of the perpetrators I have described in and ascribed to the 'Competitor' category of perpetrator identities, apparently committed rape to demonstrate their own personal masculinity *and* their ethnic group's masculinity vis-à-vis that of their peers and victims. When Kunarac and his peers raped Witness 183, they repeatedly reminded her of their respective ethnic identities – and they presented themselves as superior to Bosnian Muslim men. Bosniak Esad Landzo constructed his

offense against the Dordić-brothers as an ethnically defined preemptive strike, as did the guards who witnessed the perpetration against Harambasic, G and H in the Tadić-case. Zarkov (2001:78), one of very few scholars who engage in an analysis of sexual war violence directed against male victims, contends that forcing a man of the ethnically defined enemy population to perform same-sex acts is ‘a proof not only that he is a lesser man, but also that his ethnicity is a lesser ethnicity’. Further, the offense serves as ‘a symbolic appropriation of the masculinity of the whole group’ (ibid). It follows from both her and mine analysis, that notions of ethnicity are inextricably linked to notions of masculinity and heterosexuality, and that all these identity constructs play important parts in the construction of sexual war violence (see also Higate 2003:209; Hopton 2003:113; Seifert 1994).

The construction of sexual perpetrations as ‘justified revenges’ and ‘preemptive strikes’ suggested in several of the examined cases in the empirical analysis, was based on ethnic markers, projection of guilt and xenophobic beliefs and attitudes. The perpetrator constructed his ethnic group as a real or potential victim of the ethnic group of his victims-to-be. Thereby he constructed himself as entitled to punish representatives of that group. For instance, Bosniak Esad Landzo testified that he had watched videotapes of killed women and children during his military training, and that his instructors told him that this would also happen to the Bosniaks if he did not fight the Serb armed forces. Later Landzo listened to several Bosniak refugees’ stories about rapes and torture, and he started to feel obliged to participate in the war to defend his country and protect its women and girls. The analysis of Landzo’s case suggests that he created a justification for his violence against Serb detainees in the Čelebići camp based on these experiences, which was strengthened when he witnessed Bosniak male victims to Serbs’ sexual assaults. In addition, the perpetration against the Dordić-brothers was in itself used to legitimize that very perpetration (‘See what the Serbian brothers and Chetniks are doing. That's what they would do to me too’).

According to Henry *et al.* (2004) ethnic differences ‘translate into extreme xenophobia and bigotry’ in wartime, and allow ‘individuals to overcome feelings of empathy and concern for the enemy because they are perceived as different and dissimilar, therefore devoid of human qualities’. Bourke (2007:378) further holds that ‘it is easier to

sexually abuse and torture the enemy in campaigns where the enemy is regarded as racially and culturally foreign and inferior. [Such a] discourse meant that [the victims] were not really seen as human'. I argued in the empirical analysis that the perpetrators I ascribed to the Opportunist category were able to perceive a situation as an opportunity to rape because they adapted the xenophobic and misogynist attitudes that prevailed in the armed forces they were part of. Bourke and Henry *et al.* seem to validate my argument.

Their comments also apply to other cases. Both Bosnian Serb Borislav Herak and Bosniak Esad Landzo were subjected to propaganda presenting the other ethnic group as dangerous and cruel. The propaganda probably helped them to justify their perpetrations against representatives of the other group. Following Bourke's argument, when the enemy's ethnic identity is perceived as inferior to that of the perpetrators, and the victims of that enemy ethnicity are seen as less human or not human at all, it might be easier to sexually abuse them. Esad Landzo illustrated the point when he told that he learnt during the war to see others 'as animals that are always potentially dangerous' which again facilitated and normalized violence (*Mucić et al.* 15.07.1998:14531-2).

In contrast to the use of ethnic identity in self-victimizing rationalizations for sexual violence, the analysis of the Maksimović and Panić interviews above suggests that soldiers in the Luka camp constructed a Serb ethnic ideal that was aggressive and violent without prior justification or reason. This Serb masculine identity served the purpose of inducing violent behavior by itself. Because Maksimović and Panić could not rape the women and girls 'properly' – they were not real men, and therefore not real Serbs. To be a real Serb, was to be violent, aggressive and callous. According to Hague (1997:53) 'the Serb and Bosnian Serb military (...) imagined and then constructed a specific type of masculinity, consistently aggressive, violent, powerful and dominating'. Hague's observation seems to be perfectly applicable to the Serb guards in Luka. Yet, they could have expressed their masculine powers in many ways and Hague's comment does not explain why they opted for sexual aggressiveness. Seifert (1994:60) adds that 'the construction of armies and the ideal of masculinity they cultivate, which stylizes masculinity and links it to power in a particular,

heterosexual way, results in an inclination (not a predetermination) to rape'. Her point seems pertinent in relation to the empirical material, and is supported by several others (Henry et al 2004; Price 2001). The many perpetrations against male victims that were examined in the empirical analysis provide evidence of heterosexist attitudes and homophobia in the armed forces that the perpetrators were members of. It appears that many perpetrators competed to best perform heterosexual masculine and ethnic ideals. It is not unlikely that a strong competitive environment also exposes soldiers to substantial pressure to comply with these ideals. Hague (1997) highlights the implications of the fact that rapes as a war strategy are most often gang rapes. Such rapes are more aggressive than individual rapes, and gets more aggressive for every new perpetrating individual involved: 'The group [...] puts pressure on the man to imitate his peers and live up to or even exceed their expectations with his actions' (Hague 1997:57). The aggressiveness is strongly connected to the military war construct of masculinity. Price (2001) further contends that men who resist violence in militarized societies are suspects: 'Not only is their loyalty to the state questioned, but also their loyalty to (heterosexual) masculinity. They are not just "cowards and traitors," but also "sissies and queers"' (Price 2001). Apparently, shaming a man by challenging his masculinity, his manhood, is an effective way of pressuring him into violent perpetrations. In fact, according to one scholar who has focused on gender and war,

[s]hame is the glue that holds the man-making process together. Males who fail tests of manhood are publicly shamed, humiliated, and become a negative example for others (...). The power of shame should not be underestimated (Goldstein 2001: 269).

Thus, 'the Conformist' perpetrator identity – illustrated by Borislav Herak's claim that he raped because his peers did it and because he did not want to stand out before them – finds support in the literature.

Hostile Attitudes and Triggering Processes

The literature on sexual war violence suggests that misogyny, heterosexism and xenophobia are important war rape enabling identity factors, and I have used the above examination to substantiate my empirical findings. Apparently the hostile attitudes linked to the different identities, are cultivated in the military during ethnic wars, and

prevalent in the immediate setting in which war rapes occur. However, much of the literature appears to suggest that these attitudes are in themselves sufficient explanations for soldier perpetrators' involvement in sexual violence in wartime. Others resort to pathological or essentialist explanations. For instance, Price (2001) holds that war rape is 'a gender-motivated crime (...) where the risk factor is being female'. Based on the empirical analysis above, and the prevalence of sexual violence directed against men, it is obvious that Price is mistaken. Seifert (1994:65) suggests at one point in her article that wartime rape is a physical demonstration of misogyny allowed for by the societal chaos that war creates: '[a]pparently we cannot escape the knowledge that a virulent misogyny exists to varying degrees beneath the fragile surface of our societies' according to which 'women are raped (...) because they are the objects of a fundamental hatred that (...) is actualized in times of crisis' (ibid). Thus, Seifert's argument is not that the individuals who rape in war have been constructed as misogynists during the course of the war – as I suggest in the analysis – but that they are essentially misogynists who take on the opportunity to rape provided by the chaos of war. Both Price and Seifert ignore the many male victims to sexual war violence and fail to explain why it is particular groups of women that are victimized (see Skjelsbæk 2001:218).

In the end, Price (2001) contends that in most cases 'wartime rape is a discretionary power'. The empirical analysis suggests that within and across each category of perpetrator identities, and to a varying extent, peer pressure, orders and/or threats appear to have triggered many of the perpetrations. The impact of orders and peer pressure upon the individual soldier depends on his adherence to the militarist discourses that communicate, produce and reinforce heterosexist, misogynist and xenophobic attitudes. However, without that push or incitement offered by orders or pressure, it is not at all evident that the perpetrators would have sexually violated. The initial presentation and analysis of the Landzo-case at the outset of the empirical analysis provide an illustrative example of how a perpetrator, when attempting to explain (and justify?) his participation in sexual war violence, insists on the power of orders and the urge to obey. Likewise, Herak repeatedly stated that he raped because his commander ordered him to. Cvijetin Maksimović and Slobodan Panić were

terrified and acted on orders and upon severe threats when they raped their victims. Thus, the Conformist, the Soldier Idealist and the Survivor categories emphasize orders, obedience, conformity and threats in various degrees, but in the literature on sexual war violence, little attention is dedicated to these aspects. However, the authors refer to victims' statements that could have given rise to extensive discussion: One interviewed rape victim told Stiglmayer (1994b:120) that three men she knew were killed because they refused to rape; a perpetrator told his victim that he was 'ashamed to be a Serb', another simply replied to his victim's continuous pleas for the rape to stop 'I must. I must' (Gutman 1993:68); other victims again have recounted that the perpetrators consumed some white pills before they raped (Price 2001; Gutman 1993:69-70); and finally, some women have reported that a group of soldiers took them to a house without raping them, but instructed the women 'to tell others that they had been raped' (Gutman 1993:69).

Because the empirical material emphasizes orders, obedience and threats as important social processes preceding the sexual war violence, and as the literature on sexual war violence does not engage substantially in these aspects, I will look for additional perspectives on these matters in literature on obedience and authority. I will focus on the findings of Stanley Milgram (1975) and Zygmunt Bauman (2005). I also include David Grossman's (1996) analysis of what factors make a soldier able to kill in wartime.

5.2 Orders, Obedience, Threats

The most disturbing about the Holocaust and everything we learned about its perpetrators, was not the probability that 'this' could happen to us, but the thought that we ourselves could do it (Bauman 2005: 204, my translation).

Social psychologist Stanley Milgram is infamous for the experiments he directed at Yale University in the early 1960s that resulted in numerous articles, his book *Obedience to Authority* (1975) and a heated debate among intellectuals in the US. In short, Milgram tested voluntary participants' willingness to inflict pain on others on orders from an authority. He found that an overwhelming share of the participants were willing to inflict deadly electric shocks onto another person, in what they thought

was a voluntary experiment on the effect of punishment on learning⁸³. Milgram discovered an apparent blind following of orders among his participants: 'It's *got* to go on. It's *got* to go on' repeated one participant to himself while he inflicted what he thought was deadly doses of electric shock on another individual (Milgram 1975:9, emphasis in original). Milgram comments that to this participant, 'The Experiment', 'essentially human in origin and maintenance', had acquired an impersonal momentum, it existed above and beyond any human agent (Milgram 1975:8). Milgram's experiments unexpectedly implied that 'ordinary people, who were not coerced or threatened and who could not be said to suffer from any pathological personality condition, could cause harm to another person simply because they were told to do so by someone in a position of authority' (Burr 2002:46). Later experiments have suggested that the status of the authoritative figure giving the orders significantly affects the participants' willingness to obey (Burr 2002:45). Social psychologist Kelman (1973:79) suggests that 'when acts of violence are explicitly ordered, implicitly encouraged, tacitly approved, or at least permitted by [perceived] legitimate authorities, people's readiness to commit or condone them is considerably enhanced'. He later contends that '[a]uthorization processes override standard moral considerations' (Kelman & Hamilton 1989:19). Although there are numerous objections available to comparison between the Milgram experiments and the experiences of perpetrators of sexual violence in wartime, it still suggests that one cannot underestimate the power of obedience to authority. Also, in (so-called) ethnic conflicts where sexualized violence is common, and the stated goal is to 'ethnically cleanse' areas, this goal may take on similar impersonal attributes as 'The Experiment' did and hence apparently precluded choice and disobedience as an option. The

⁸³ The experimenter ordered the subject to give another participant, the 'learner' (who was a complicit in the experiment), electric shocks of increasing voltage levels each time the learner failed to correctly repeat a group of words that the subject read to him from a list s/he got from the experimenter. The electric shocks that the subject administered with a monitor, were not authentic, but the subject believed they were. The experimenter was in the same room as the subject, and whenever the subject hesitated to punish the learner, the experimenter urged him/her to continue. At 285 volts, labeled 'Intense shock' on the monitor the subject administered, the reaction from the learner is described by Milgram (1975:4) as 'an agonized scream'. In the different experiments, the learner would be i) within vision; ii) within vision, and the subject had to physically force the learner's hand onto the electric shock plate to punish him; iii) in an adjacent room from which the subject could only hear scraping on the wall; and iv) in an adjacent room from which the subject could hear the learner's oral protests. In experiment i) 16 out of 40 participants (40%) continued until the highest voltage level on the monitor. In experiment ii) 12 out of 40 (30%) continued until 450 volts. In experiment iii) none of the participants stopped before 300 volts and 26 out of 40 (65%) continued until the highest level of 450 volts. In experiment iv) 9 out of 40 participants refused to continue before or at 285 volts, and 25 (62.5%) continued to 450 volts (ibid:34-35).

comment of one experiment participant cited above resembles the perpetrator quoted in Gutman (1993:68) who replied to his victim's continuous pleas for the rape to stop with 'I must. I must'. Similarly, Esad Landzo and Miroslav Bralo's explanations with reference to their ideal of perfect/successful soldiers – suggest that their ideal and their goal of achieving it took on impersonal attributes like 'The Experiment' – and thereby choice and disobedience were precluded as possible options.

In *Modernity and the Holocaust* sociologist Zygmunt Bauman (2005:58) confirms Kelman's (1973) argument that moral inhibitions against violence and cruelty are undermined when three preconditions are present, alone or in combination: when violence is *authorized*, *routinized* and when victims are *dehumanized*. According to Bauman, *hierarchy*, *bureaucracy* and *impersonality* are central to the commission of atrocities in modern times. 'To make illegal everything but the organization's own rules as source of and guarantee for what is right, and by that *deny the authority of one's private conscience*, now becomes the ultimate moral virtue' (Bauman 2005:59, my translation, emphasis added). Corresponding to Milgram's findings, Bauman comments that 'it is morally disturbing that the majority of those who committed genocide were average people who easily would have passed any psychiatric test, however complex it might be' (Bauman 2005:55-56, my translation). In the Milgram experiments, the physical distance between subject and 'learner' strongly correlated with the willingness to obey orders – similarly, Bauman contends that distance from the victim is a very important aspect of the willingness to obey orders and by that, cause pain in another individual.

The two preceding paragraphs offer condensed descriptions of two major research publications that focus on how and why average people participate in (non-sexual) atrocities and violence. According to both Milgram and Bauman obedience to orders from authorities is a human compulsion, and distance to the victim is a key factor for following orders. Can we learn anything from Milgram and Bauman when one of the very key factors for obedience to orders that they emphasize is absent in (most) sexualized violence? Participation in rape is everything but sterile or bureaucratic or physically distant (see Enger 2007:110). The appropriateness of a parallel from Milgram's and Bauman's findings to wartime rape or sexual violence is thus mitigated

by the physical closeness necessary for an act to constitute either rape or sexual violence. Indeed, Bauman (2005:207, my translation) precisely comments '[i]f to hurt another individual involves direct physical contact, the perpetrator loses the comfort it is not to notice the causal relation between one's own action and the victim's suffering'. Still perpetrators have contended that they were ordered, and that the order (combined with fear) was *the* reason they acted as they did. Enger (2007:104) suggests one might be justified to talk about a *psychological distance* created through processes of dehumanization that enables the perpetrator to not have empathy with his or her victims. In the previous sub-chapter I quoted both Bourke (2007:378) and Henry *et al.* (2004) who similarly suggested that xenophobic sentiments enables the perpetrator to dehumanize the victim and facilitate perpetrations against her/him. Kelman and Hamilton (1989:163) elaborates,

[p]sychological distance from the victim has a similar effect to physical distance in reducing the strength of opposing forces. When victims are dehumanized – by a variety of means (...) – the moral restraints against killing or harming them become less effective. Groups of people who are systematically demonized, assigned to inferior or dangerous categories, and identified by derogatory labels are readily excluded from the bonds of human empathy and the protection of moral and legal precepts. Opposing forces are also reduced when the actors themselves have just gone through the experience of intense anxiety, frustration, or stress, or when their own group suffers from a pervasive sense of victimization⁸⁴.

In his book *On Killing* David Grossman (1996) develops a framework for understanding what factors make a soldier able to kill in wartime. Commenting on the Milgram experiments' findings, Grossman (1996:137) asks:

If this kind of obedience could be obtained with a lab coat and a clipboard by an authority figure who has been known for only a few minutes, how much more would the trappings of military authority and months of bonding accomplish?

Indeed, the veterans Grossman interviewed listed "'being told to fire" as the most critical factor' for firing their weapon' (ibid). Also, Grossman stresses the meaning of peers. In a military wartime setting, a soldier is part of a group consisting of comrades on which he depends for survival. Combined with authorization or orders to kill from his superiors, the bonding with peers results in a dispersion of responsibility. In Grossman's words (ibid:149): 'the individual is not a killer, the group is'. Further,

⁸⁴ This quote of Kelman & Hamilton is also referred to in the Tadic Sentencing Judgment (14.07.1997:72, <http://www.un.org/icty/transe1/970714it.htm> [Last accessed 22.06.2008]).

Grossman emphasizes the age of the soldier – accordingly, the adolescent soldier is predisposed to believe whatever propaganda the military ‘machinery’ directs against him, as he is ‘desperately trying to rationalize what he is being forced to do’ (ibid: 161). Military propaganda is often intended to create an emotional distance between the soldier and his victims. Such an emotional distance can be cultural, moral, social and mechanical, which alone or combined result in a psychological distance that enables the dehumanization of the enemy/victims. A *cultural distance* focuses on racial or ethnical differences; a *moral distance* on the superiority of one’s own group’s claims and the guilt of the enemy for present and past atrocities which lead to a sense of justified revenge or punishment; a *social distance* is created by a lifetime practice of thinking of the other as less worthy; and a *mechanical distance* corresponds to Bauman’s modernity claim, that our technology enable us to kill at a distance without literary having blood on our hands. This division of emotional distances should not be read as clear-cut, they are obviously overlapping (ibid:158-170). What is crucial is that these beliefs are effective to lessen the soldier’s own identification with the victim. Combined, demands from authority, group absolution, personal predispositions, and distance to victim enable rationalization processes and *creates* a wartime killer. Thus, Grossman asserts (rephrasing the premise of this thesis), ‘man is not by nature a killer’ (ibid: xiv)⁸⁵.

Although Grossman analyzes killing, not rape or sexual violence, his breaking up of distance to victims into cultural, moral, social, and mechanical emotional distances, overcomes the challenge in Bauman and Milgram, where physical distance (in Grossman: ‘mechanical’ distance) is key. This framework makes it possible to look at dehumanization processes at different levels, physical distance being one level (out of four) and not alone a necessary precondition for ability to kill. For wartime sexual violence, it is possible that the three other processes of dehumanization through creation of emotional distance (social, moral and cultural) are present (alone or in combination), enabling individual soldiers to rape or sexually torture victims. Esad

⁸⁵ Grossman (1996: 174) differs between ‘murder’, which denotes the killing of anyone who does not represent a potential threat (in Grossman’s words, women and children), and ‘killing’ as a legitimate, sanctioned combat kill. Although the rationalization process might be more difficult for the former, the same killing enabling factors apply for both.

Landzo's comment that he had learned to see others as animals, not humans – is thus, substantiated by theory (*Mucić et al.* 15.07.1998:14531-2).

5.3 Summary

The examination of relevant literature provided in this chapter, supports arguments offered in the empirical analysis: In the extreme environment that wartime is and constructs it appears that ethnicity, gender, and sexuality take on the form of xenophobia, misogyny, and homophobia. These attitudes are especially prevalent in the military subculture where particular notions of a military masculinity that emphasizes heterosexuality and masculine aggressive powers prevail. The hostile attitudes exist because they are continuously and discursively created, reconstructed and reinforced by the members of the armed groups. Sexual war violence is made possible because of these attitudes, and the sexual violence further reinforces them. The consulted literature further substantiates the processes leading up to wartime rape by emphasizing the meaning and power of orders and obedience, group pressure and shaming. The empirical analysis suggests that in most cases orders, threats or peer pressure preceded the sexual perpetrations – indicating that the construction of hostile attitudes are not in themselves sufficient explanations for sexual war violence. To understand soldier perpetrators' actions, it is necessary to combine knowledge about both identity constructs and the social processes that transform hostile attitudes into violent behavior. The studies that in greater detail inquire into orders and obedience are in large parts concerned with the influence of physical distance (Bauman 2005; Milgram 1975). For their findings to have a bearing on the understanding of sexual war violence, this physical distance must be replaced with an emotional, or psychological distance. Grossman (1995) explained how such distances are constructed.

CHAPTER SIX

CONCLUSION

In the preceding pages I have examined a vast empirical data material to find answers to the research questions I proposed at the outset:

Why did soldier perpetrators of sexual violence during the war in Bosnia and Herzegovina opt for this particular form of violence? Which arguments emerge from the empirical material at hand?

In this last chapter I will present my main findings and conclusions, and thereby explain what the present study can offer in terms of an understanding of what made soldiers rape and sexually violate in the BiH war. I will include a section in which I evaluate my analysis and arguments, and I will also argue that the categorization of explanations into five perpetrator identity categories can prove fruitful in development of preventive measures. Finally, I propose areas in which I consider future research to be important.

6.1 Why Soldiers Sexually Violated and Raped in the BiH War

There are no essences inside things or people that make them what they are (Burr 2003:5).

With the above citation as a premise, and Max Weber's *verstehen* and Hanna Arendt's defense of *comprehension* as motivating points of departure for the analysis, I examined the ICTY transcripts of cases where the accused were convicted for their personal involvement in the perpetration of sexual war violence, or for their direct presence when such violence was perpetrated. I also examined the reproductions of four interviews with three perpetrators available in literature on sexual war violence. The analysis showed that it was possible to conceptualize the various explanations that this material offered according to five different perpetrator identities: 'The Soldier Idealist', 'The Competitor', 'The Conformist', 'The Opportunist' and 'The Survivor'. These perpetrator identities represent alternative and more credible perpetrator identities and explanations for soldiers' participation in sexual war violence, than do the abnormal psychopath theory of war rapists. Associated to each identity are different sets of explanations and justifications.

To briefly recapitulate: The perpetrators I ascribed to the ‘Soldier Idealist’ perpetrator identity appears to have sexually violated because they constructed the perpetrations as necessary duties or tasks they had to do to become perfect soldiers. The examples involved orders, deliberate delusion and dehumanization. The soldier perpetrators I associated with the ‘Competitor’ perpetrator identity seem to have raped or sexually violated to demonstrate or establish their personal and ethnic masculinity or manhood vis-à-vis that of their peers and victims. By raping or sexually violating representatives of the enemy, the perpetrators deprived the victims and the victims’ ethnic group of masculinity, and simultaneously the perpetrators demonstrated their opposite proportional ethnic masculine powers. The ‘Conformist’ perpetrators raped or sexually violated because their peers did it, and because they dared not challenge the practices and expectations of the group. The ‘Opportunist’ perpetrators appear to have raped or sexually perpetrated because the war created both opportunities to rape and the ability to consider situations as opportunities. Finally, the soldier perpetrators I ascribed to the ‘Survivor’ perpetrator identity category held that they sexually violated others because they were threatened to do so.

Variations of the five perpetrator identities repeatedly manifested themselves and the categories capture all variants of explanations for the individual perpetrators’ participation in sexual war violence that emerged from the analysis. Thus, the perpetrator identities identify core similarities between several explanations. The identities are not mutually exclusive, and most examined perpetrators drew on (or were ascribed to) several explanations and thereby took on several perpetrator identities.

Throughout the analysis of the perpetrator identity categories, ethnicity, masculinity and sexuality took on xenophobic, misogynist and heterosexist expressions, and recurred, intertwined and interacted as important meaning-bearing constructs in the explanations for perpetrators’ participation in sexual war violence. Both the empirical analysis and the consulted literature suggest that these hostile attitudes are prevalent in military subcultures, and they exist because the members of the armed forces continuously reproduce and reinforce them – in particular during wars. The empirical analysis further suggests that peer pressure, orders and threats constituted important

social processes that triggered many of the perpetrations. Accordingly, to understand soldier perpetrators' actions, it is necessary to acknowledge the dynamic interaction within and between multiple identities and social processes. Thus it becomes imperative to combine knowledge about identity constructs and related hostile attitudes with knowledge about the social processes that transform these attitudes into violent behavior. The literature on sexual violence suggests that peer pressure is effectuated by shaming and through challenging the masculinity of the relevant soldier. Further, Grossman, Milgram and Bauman offer insights into the power and meaning of orders, authority, distance and dehumanization processes. Their studies suggest that obedience to orders is not evidence of weak mental capacities, even when the orders involve the execution of illegitimate violence. Correspondingly, obedience to orders to rape or sexually violate does not necessarily imply that the deferential perpetrator is essentially predisposed to sexually aggressive behavior.

The arguments associated to each perpetrator identity suggest discursive practices through which perpetrators of sexual war violence in the BiH war were constructed, and sexual exploitations legitimated. Thus, the arguments become discourses about who the perpetrators are and why. Perpetrating soldiers drew on specific notions and attitudes to explain or rationalize their actions – and the merging of hostile attitudes (as evident in homophobic, misogynist and xenophobic language) with social processes (pertaining to orders, pressure, threats, distance, dehumanization and distance) made sexual war violence possible. Edley (2001:190) offers a valuable insight in this regard: 'people are, at the same time, both the products and the producers of discourse'. Thus, I do not contend that the perpetrators were victims of circumstances, or that they had no choice because of the discursive practices in the military sub-cultures they were members of. There was choice. The present analysis' purpose has been to understand why the perpetrators chose as they did – not to excuse the choices they made, or remove their individual responsibilities.

6.2 A Qualified Qualitative Approach

According to Fog (2004:193-194), *validity* in qualitative research 'pertains to the degree to which the statements/descriptions/analysis corresponds to reality, to what we

observe, describe and conceptualize' (my translation). In other words, validity is a question of good argumentation for a given understanding of social phenomena. Thus, validity is not about finding 'the truth' about some phenomenon, but about offering an interpretation of it, that can be intersubjectively *accepted*. Accordingly, my interpretation of the data material and the categorization of explanations for individual soldiers' participation in sexual war violence into five perpetrator identity discourses, is valid to the extent that my argumentation and presentation is understandable and follow logical premises that the reader accepts (see Kvale 1997:235; Fog 2004:193). The use of several examples from the data material in the analysis is intended to validate my argumentation as reasoned, and substantiate the categorization of identities and the explanations they entail.

I have assured *reflexivity* through an open account of challenges met and decisions made while I conducted research and I have explicitly presented the motivations that influenced my choices and arguments (Fog 2004:185,193; Gergen & Gergen 2000:1027; Marshall & Rossman 1999:194). I engaged in this study, not to justify the actions of perpetrators of sexual violence, but to understand why they participated in this particular kind of crimes. I established from the outset that my interest in this topic is based on a genuine concern for the victims of these perpetrations, and a desire to develop our understanding of sexual war violence for the benefit of future developments of appropriate and effective preventive measures.

The perpetrators (and convicts) of this study do not in any way represent all the soldiers who committed sexual violence during the BiH war. The five perpetrator identity categories should be seen as useful analytical tools, not as predetermined or isolated identities that present indisputable causal mechanisms or explain all soldiers' participation in sexual war violence in an exhaustive manner. There are probably thousands of individuals who have not been prosecuted and who will never be convicted, and they have not been subject to the same level of enforced reflection that the ones who went to trial in the ICTY have. Generalizing across all cases with an all-encompassing theory is reductionist and may be hazardous. Thus, rather than emphasizing generalizability, I think it is pertinent to assess a qualitative study such as this in terms of its *transferability*. I believe that others who are interested in

understanding sexual war violence, and in particular perpetrators of sexual war violence, can benefit from this study and my findings. The structuring of arguments into perpetrator identity categories illustrates the level of transferability of findings across the examined cases, and shifts the focus away from the particularities of each unique case, to similarities across cases. My categorization of five perpetrator identities according to which perpetrators' reasons for participation in sexual war violence can be explained, and my emphasis on ethnicity, masculinity and sexuality have depended on the particular data set I studied, and pertain to a specific war and specific perpetrators. However, these discursive findings may be empirically transferable to other conflicts and other perpetrators of sexual war violence. Provided qualification pertaining to the different contexts and particularities of other conflicts, the five perpetrator identities may be useful tools in the analysis of sexual perpetrators in other wars. However, as Marshall & Rossman (1999:193) contend, the burden of demonstrating this transferability rests with the researchers who potentially – and hopefully – make that transfer in the future. Again I will quote Copelon (1994:213): '[e]very rape is multidimensional, but not incomparable'.

Final Evaluation

The final quality measure of this thesis depends on its future applicability and relevance. I advocate a focus on war-specific social processes and attitudes that enable or force soldier perpetrators of sexual war violence to do what they would neither do nor consider doing in peacetime. The understanding of soldier perpetrators of sexual war violence as socially constructed provides an opportunity to center efforts in on identified and changeable discursive social practices that contribute in the creation of soldier rapists. The proposed perpetrator identity categories identify specific and repeated explanations for soldiers' participation in sexual war violence that emerged from the empirical analysis. To the extent my findings are transferable across times and conflicts, the categorized explanations may help target, visualize and conceptualize the development of preventive measures, and suggest where efforts should be directed. I do not intend to exaggerate the ease with which discursive practices and identity ideals can be changed (see Edley 2001:193). However, they *are*

changeable, and below I offer tentative and preliminary precautionary measure suggestions based on the explanations for sexual war violence that emerged from the empirical analysis.

First of all, perpetrators of sexual war violence must be held personally accountable. In that respect, the ICTY is already doing an important job. Continued efforts to prosecute and convict perpetrators of sexual war violence will render war rape and sexual violence a high-risk activity for potential opportunists. Further, it appears to be of utmost importance to challenge and change military discursive practices that encourage misogynist, xenophobic and heterosexist attitudes. These hostile attitudes recurred across categories and in the literature on sexual war violence as important war-rape enabling factors. Education in schools, media and in particular military training should challenge these attitudes by promoting identity ideals founded on basic values of equity, equality and empathy, independent of gender, sexual orientation or ethnic background. Military institutions should implement and emphasize compulsory training and education in international humanitarian law and justice. Militaries could also promote a soldier ideal according to which good soldier behavior primarily depends on the individual soldiers' adherence to international humanitarian laws. The Competitor perpetrator identity suggests that armed forces are characterized by a competitive environment, and that soldiers rape or sexually violate to assert themselves and their aggressive masculine identity. Thus, military masculinity ideals should be defined in more positive terms and not in fierce opposition to, nor hierarchically positioned above, feminine and homosexual identities. To counter peer pressure to rape or sexually violate, hostile misogynist and heterosexist attitudes should be sanctioned. The acceptance and inclusion of more women in the military would perhaps help challenge traditional masculine military ideals.

A Personal Note

I have experienced the process of doing research for this thesis as hard. I have read hundreds of detailed descriptions of sexual war violence and war rapes, and it has been impossible to stay neutral, distanced, or 'cool'. I believe it would be disrespectful towards the victims of sexual war violence if I had not at times been outraged, and if I

had engaged in the topic in an objective manner. I have cried, I have been depressed, I have felt helpless and I have been angry and frustrated on behalf of the many, many victims I have ‘met’ in the data material I examined. At times I struggled hard to see the person behind, or in, the perpetrator. The times that I got self-aware and noticed my own unwillingness to make genuine efforts to understand the perpetrators’ motivations – I left my reading room, took the rest of the day off, and waited for the rage to settle. I reminded myself repeatedly of my motivation for engaging in this study. In the end, I believe I countered the unconstructive feelings that way. I comment on these emotional aspects here, because they have constituted a big share of what the experience of writing this thesis has been to me. It also posed a methodological challenge, as the process of gathering and analyzing the data became even more time-consuming. For future students and researchers that decide to engage in this topic, these are important aspects and challenges to be prepared for.

6.2 Future Research Proposals

I hope this thesis can serve as a foundation or inspiration for future research and efforts to understand why individuals rape and sexually violate during wars. This knowledge is crucial for future development of appropriate and effective preventive measures.

I encourage continued efforts at negotiating access to potential informants with personal experience as perpetrators of sexual war violence. However, I also emphasize that I have not exhausted the ICTY transcripts as a source of empirical data. New eyes will look at the transcripts in new ways. Also, the present analysis and the perpetrator identity categories could be used in comparative studies, and the perpetrator identities’ transferability could be tested. I have emphasized the prevalence of sexual perpetrations against male victims. The recent media disclosing of sexual violence in the Abu Ghraib prison in Iraq provides evidence also of female perpetrators. Lynndie England became world known after the global media got hold of pictures of her and the male Iraqi detainees she sexually humiliated and tortured. Although the military is primarily a male domain, women are increasingly recruited. I suggested above that the inclusion of more women in the military would challenge sexist military masculinity

ideals. However, masculine identities are not pertaining only to men and it will probably not suffice simply to 'add women and stir'. The suggestions I made of tentative precautionary measures are far from exhaustive, and require further examination and exploration.

Sexual war violence is a contemporary, prevalent and brutal weapon of war. Out of respect to the victims who live through wars and conflicts, and the many victims who do not survive, it is necessary to focus on the perpetrators. Understanding them is the key to change.

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APPENDIX A: INFORMATION LETTER

Anette Bringedal Houge
email: anette.bringedal.houge@gmail.com
phone: 0047 99224698

Date

Would you like to participate in a study regarding violence in war times?

My name is Anette Bringedal Houge and I am a student of Peace and Conflict studies at the University of Oslo, Norway. This request regards my Master thesis in which I aspire to interview individuals that the ICTY has convicted for different form of violence. One of the themes I will focus on is the issue of sexual violence.

Following the conflicts in the former Yugoslavia and the Tribunal's proceedings, a lot has been written about sexual violence as a war tactic, and the knowledge we possess mainly comes from and concerns those individuals who have been victims to such perpetrations. Few, if any, of these studies include the perpetrating soldiers' own histories, viewpoints and rationalizations, thus the picture these studies present is not complete.

My purpose with this study is to try to understand more about the underlying and actual reasons for the individual soldiers or actors for committing these types of acts. I believe that we cannot understand the actual implementation and carrying through of sexual violence during wartimes without also listening to those who actually committed the acts.

My main question to be answered is:

How do individuals convicted for sexual violence during wartime describe and rationalize the actions they have been convicted for?

Mr. NN, would you like to cooperate with me by participating in an interview?

Of course, as a researcher I am bound to professional secrecy. That is, all information I gather through a potential interview will be kept in a safe place and your name will not appear in my writing unless otherwise agreed. Accordingly, gathered information will be kept and dealt with in such a way that it cannot be traced back to your person, and will be destroyed when the study is concluded.

Participation is of course voluntary. At any time, you can decide to break off. The interview will last about 1,5 hours.

Please let me know if you are willing to participate.

With hopes for future cooperation and
with best regards,

Anette Bringedal Houge

APPENDIX B: INTERVIEW GUIDE

Introductory remarks

As stated in the information letter you have received, the purpose of my study is to develop our understanding of sexualized war violence. None of the present studies on war violence include the voices of those who committed the violence in question, thus I contend that the current understanding of sexualized war violence is, at best, incomplete. My main questions pertain to how the individuals convicted for sexual violence during wartime think about the actions they have been convicted for.

I found you through examination of case files from the ICTY. As you have been convicted for such violence by the ICTY, I hope you will share some of your experiences and thoughts about this matter with me.

On your request, what we talk about here to day will of course be presented in my thesis in such a way that readers cannot trace the information back to you. I will record the interview, but the recording will be deleted upon the completion of the project, and kept in a safe place until then.

Also, participation is voluntary. You have the right not to answer specific questions, but I greatly appreciate your efforts to do so. I would like to emphasize that you are the expert, you are the one who possesses the knowledge and the experiences that I am in search for – there are no right or wrong answers, and there will be no judgment or justifications. The interview as such is an effort to try to understand.

During the course of the interview, please feel free to interrupt if you need clarifications or if you think I do, or if you have any additional information or adjustments to make.

1. General information

- ☐ Education and position prior to the war
- ☐ Family background, upbringing, friends, relationship
- ☐ Position/Employment during war

2. Information about the case

- ☐ Introduce by stating that I have read the indictment, judgment and parts of the transcripts from the proceedings.
- ☐ Do you feel that the judgment was unfair? Why (not), how?
- ☐ How did your family and network react to the court proceedings and the final judgment?
- ☐ Do you think the court focused on the right issues?
- ☐ How did you experience the testimonies and the environment in The Hague and court?
- ☐ How do you define rape, and how do you define the acts you were committed for?
- ☐ Did you ever, at the time, question your involvement in these actions as legally and/or morally acceptable? How, why, when? Why not?

3. Personal experience and understanding

- ☐ Introducing by stating how the outside world has difficulties understanding how anyone is capable of committing sexual violence. Many believe that the individuals who act sexually violent simply are crazy. Now, I would greatly appreciate it if we could spend some time talking in greater detail on what you think about the incidents you were convicted for.
 - What motivated you? How, and Why?
 - Who motivated you? How, and Why? Did the motivation vary between cases?
 - Did anyone order or in any other way encourage you to do these things? Who, and How?
 - Would you have acted sexually violent anyhow? Why? Why not?
 - Did you commit these acts alone, in the presence of others or together with others?
 - What was it at the time that made you/ encouraged you to act as you did? How, and Why?
 - Was your position in the military force important for your ability to commit these acts? Why?
 - How did you feel about Bosniaks/Serbs/Croats as a group? How, and Why?
 - Did others commit sexualized violence that you witnessed or knew about? Why do you think they did? What did you think about that? Why?

- Was there a purpose with these actions beyond the sexual aspect of the acts? How, if any, was there a sexual aspect?
- Did anyone encourage you to engage with these women and girls?
- ☐ How would you describe the (alleged) victims of your actions? Why were they chosen and not others? Were they pretty, young/old, ethnic identity, social status?
- ☐ Reports from this war, both from the UN and from other organizations emphasize that sexualized violence was something that occurred on all sides. Why do you think this was the case? Why did it happen from your side? Why do you think others committed sexualized violence?
- ☐ How has your conviction and your sentence/serving time affected your reflections upon your experiences from the war?
- ☐ Reflections upon guilt, regret, unfair treatment, justification etc.

4. Closing comments

- ☐ What do you think about the use of sexual violence in war in general?
- ☐ Thoughts about the future – do you think about what you are going to do when you are done serving? Do you wish to go back to Bosnia? Do you see a reconciled Bosnia in your future?
- ☐ Could anything have prevented you from doing these acts?
- ☐ How do you feel about talking about these issues?
- ☐ Do you have anything you would like to add?

Thank you again very much for participating. Feel free to contact me if there is anything you would like to add/ in any case at my email address. The threshold for doing so is low, and I welcome any comments and/or adjustments you might have in the days and weeks to come.

Note: The interview guide is intended as a loose guide of themes rather than of questions to be asked. The suggested questions are meant simply as reminders of what I want to talk about with the informant, and the specific questions asked and the content of the conversation depend on the development of the interview and chemistry between informant, interpreter and researcher.